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THE EARLY NORMAN JURY

THE continental derivation of the system of trial by jury is now generally accepted by scholars. First demonstrated thirty years ago by Brunner in his masterly treatise on the origin of juries,¹ this view has at length triumphed over the natural disinclination of Englishmen to admit that the palladium of their liberties "is in its origin not English but Frankish, not popular but royal."² Whatever one may think of the Scandinavian analogies, there is now no question that the modern jury is an outgrowth of the sworn inquests of neighbors held by command of the Norman and Angevin kings, and that the procedure in these inquests is in all essential respects the same as that employed by the Frankish rulers three centuries before. It is also the accepted opinion that while such inquests appear in England immediately after the Norman conquest, their employment in lawsuits remains exceptional until the time of Henry II., when they become, in certain cases, a matter of right and a part of the settled law of the land. From this point on, the course of development is reasonably clear; the obscure stage in the growth of the jury lies earlier, between the close of the ninth century, when "the deep darkness settles down" over the Frankish empire and its law, and the assizes of Henry II. Information concerning the law and institutions of this intervening period must be sought mainly in the charters of the time, and it is upon their evidence that Brunner based his conclusions as to the persistence of the Frankish system of inquest in Normandy. Unfortunately the great German jurist was obliged to confine his in-

¹ Brunner, *Die Entstehung der Schwurgerichte* (Berlin, 1872). Brunner's results are accepted by Stubbs, *Constitutional History* (sixth edition), I. 652 ff.; Pollock and Maitland, *History of English Law* (second edition), I. 138 ff.; Thayer, *Development of Trial by Jury*, ch. II.

² Pollock and Maitland (2d ed.), I. 142.

vestigations to the materials available at Paris, and while further research tends to confirm most of the inferences which his sound historic sense drew from the sources at his disposal, it also shows the need of utilizing more fully the documents preserved in Norman libraries and archives.¹ The present study does not profess to represent the results of prolonged search through the various repositories of Norman documents, nor does it consider the early history of the sworn inquest in England;² while some other sources have been drawn upon, the article is based primarily upon the collection that seems to throw most light upon the early Norman inquests, namely, the "Old Cartulary," or *Livre Noir*, of the chapter of Bayeux. Although knowing it only through extracts made by

¹ The study of early Norman charters is much facilitated by Mr. Round's *Calendar of Documents Preserved in France* (918-1206), in the *Calendars of State Papers*, but this collection is not rich in materials bearing upon the history of the jury. It may appear ungrateful to criticize a work of such genuine scholarship and manifest convenience, but it is only fair to put students on their guard against supposing that Mr. Round has given anything like a complete calendar of the materials for early English history preserved in French archives and libraries. He labored under the disadvantage of having to base his work upon a collection of old transcripts, many of them wretchedly careless, in the Public Record Office, but in collating these with the manuscripts he assures us that he took advantage "of the opportunity presented by this work of revision to traverse again the ground from which the transcripts were derived, in order to ascertain whether any documents had been omitted," with the result of "a large addition to the number" (preface, x). Very likely the example may not be typical, but one's faith in the thoroughness of the editor's researches is sadly shaken by the discovery that in spite of the obviously close connection of the diocese of Bayeux with English history Mr. Round did not examine any of the cartularies of Bayeux cathedral (library of the cathedral, MSS. 193, 206-208; Bibliothèque Nationale, MS. Lat. n. a. 1828), the monastic cartularies of the diocese preserved in the cathedral library, or the cartulary of the hospital of Bayeux (Bibliothèque de la Ville de Bayeux, MS. 1), although these manuscripts are described in printed catalogues, and the transcripts mention documents in one of the cartularies additional to those transcribed (*Cartulaire de la Basse Normandie*, Public Record Office, I. 46-53). Several documents from these cartularies might also have been found in print. Nor can one be sure, even in regard to the collections examined, that the editor has calendared everything of importance, even "all charters of English kings and of their immediate relatives" (preface, xii). He has, for example, omitted an important charter of the Empress Matilda for Savigny (No. 280 in the cartulary at Saint-Lô; see below, p. 631 n.), numerous documents of her husband Geoffrey in Angevin collections, and two charters of the Empress and one of Queen Eleanor for Le Valasse (Somménil, *Chronicon Valassense*, 38, 94, 101).

On the other hand, I have discovered few serious mistakes in the editing of the documents included in the *Calendar*, although where so much care has been given to matters of chronology it is annoying to be obliged to take Mr. Round's dates on faith, without having before one the reasons for his conclusions. It is a great pity that the authorities of the Record Office did not take advantage of Mr. Round's skill as an editor and his unrivaled knowledge of early genealogy to the extent of entrusting to him and competent assistants the preparation of a complete calendar or, better, a *corpus* of the materials in France that throw light on the Norman and Angevin periods of English history.

² For cases in England between the Conquest and the assizes of Henry II. see Palgrave, *English Commonwealth*, II. clxxvi; Bigelow, *Placita Anglo-Normannica*; and cf. Pollock and Maitland (2d ed.), I. 143.

others, Brunner discerned the capital importance of this cartulary to the student of legal history, and urged its immediate publication, but his appeal brought no result until last summer, when the first volume of an edition appeared.¹

Through the kindness of M. Deslandes, archivist of the chapter and honorary canon of the cathedral of Bayeux, I was permitted, in August last, to collate the manuscript of the cartulary, which is still preserved in the cathedral library; and an examination of the manuscript disclosed some significant evidence which seems to have escaped earlier investigators and does not appear in the printed text. As is often true in such cases, the study of the cartulary may seem to raise as many questions as it settles, but some points of importance may be determined, and we are also enabled to see more of the setting of documents already known and to understand more clearly the workings of the Norman judicial system.²

One of the most interesting portions of Brunner's work is that which treats of the date when the procedure by recognition ceased to be an exclusive prerogative of the king and became part of the regular system of justice.³ This extension of the king's preroga-

¹ *Antiquus Cartularius Ecclesiae Baiocensis (Livre Noir)*, edited by Bourrienne, I. (Rouen and Paris, 1902, Société de l'Histoire de Normandie). The chief defects of the edition are the failure to indicate where doubtful abbreviations or initials have been extended, to observe the indications of authorship preserved on the margins, and to fix with precision the dates of the documents. A defective analysis of the cartulary was published by Léchaudé d'Anisy in the *Mémoires de la Société des Antiquaires de Normandie*, VIII. 435-454, and extracts from it are in his papers at the Bibliothèque Nationale (MS. Lat. 10064) and in the transcripts made by him for the English government and preserved at the Public Record Office (*Cartulaire de la Basse Normandie*, I. 46-53). It would be hard to find anything more careless and unintelligent than this portion of Léchaudé's copies, which form the basis of the analyses in Round's *Calendar* (Nos. 1432 ff.). As a specimen may be cited his account of Nos. 34 to 42 of the cartulary: "Suivent neuf autres, brefs du même roi Henry II. qui n'offrent maintenant pas plus d'intérêt que les vingt-six précédentes." As a matter of fact only three of these documents emanate from Henry II., three being of Henry I., one of Geoffrey, one of Robert, earl of Gloucester, and one of Herbert Poisson; while three of the documents are of decided importance in relation to the Norman jury. Some use was made of the *Livre Noir* by Stapleton in his edition of the Norman exchequer rolls and by Delisle in his essay on Norman finance in the twelfth century (*Bibliothèque de l'École des Chartes*, X. 173 ff.). Brunner used Delisle's copies, from which he published numerous extracts in his *Schwurgerichte*. Sixteen of the documents of most importance for the history of the jury are printed by Bigelow in the appendix to his *History of Procedure*, Nos. 40-55, but without any serious effort to determine questions of date and authorship (cf. Brunner in *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, II. 207).

² The Bayeux cartulary preserved at the Bibliothèque Nationale (MS. Lat. n. a. 1828) and the documents contained in the *Ordinaire et Coutumier de l'Église Cathédrale de Bayeux*, published by Chevalier as the eighth volume of his *Bibliothèque Liturgique*, contain but little bearing on the jury. There is nothing on this subject in the Bayeux cartularies in the Phillips Library at Cheltenham (MSS. 10337, 21709).

³ Chapter XIV.: "Die Einführung des ordentlichen Recognitionsprocesses."

tive procedure may have been made "bit by bit, now for this class of cases and now for that,"¹ but Brunner believes it can have been accomplished only by a definite royal act or series of acts. The jurists refer to the recognition as a royal favor, an outgrowth of equity, a relief to the poor, while the very name of assize by which the recognition came to be known points to the royal ordinance, or assize, by which it was introduced. The author of this ordinance Brunner finds to have been Henry II. The whole machinery of the various assizes appears in well-developed form in the treatise ascribed to Glanvill and written near the close of Henry's reign, whereas none of them has been traced back of 1164, when the assize *utrum* makes its appearance in the constitutions of Clarendon. A charter of King John seems to place the introduction of recognitions in his father's reign, and one of Henry's own writs refers to the grand assize as "my assize." The English assizes cannot, then, be older than Henry's accession in 1154; they may be somewhat younger. When we turn to Normandy, we find likewise a full-grown system of recognitions in existence in the later years of the twelfth century, as attested by the earliest Norman customal, the *Très Ancien Coutumier*,² and the numerous references to recognitions contained in the exchequer rolls of 1180 and the following years.³ Between these records and Glanvill there is little to choose in point of time, and priority might be claimed for England or for Normandy with equal inconclusiveness.

Brunner, however, discovered in the Bayeux cartulary three documents which not only antedate any mention of assizes so far noted in English sources, but also, he maintained, afford clear proof that the regular establishment of the procedure by recognition was the work of Henry II. as duke of Normandy before he ascended the English throne. One of these documents, issued in the name of Henry as king and belonging to the year 1156, orders William Fitz-John to hold a recognition, by means of the ancient men of Caen, with reference to the rights of the bishop of Bayeux at Caen, and to do the bishop full right according to Henry's assize (*secundum assisam meam*).⁴ The other two writs run in the name of a duke of

¹ Pollock and Maitland (2d ed.), I. 144.

² Tardif in his edition (Rouen, 1881) fixes the date of the compilation of the first part of the *Très Ancien Coutumier* in 1199 or 1200. The contents are of course somewhat older.

³ *Magni Rotuli Scaccarii Normannie sub Regibus Anglie*, ed. Stapleton, London, 1840-1844; reprinted in the *Mémoires de la Société des Antiquaires de Normandie*, XV., XVI.

⁴ *Livre Noir*, No. 27; Bigelow, *History of Procedure*, 393, No. 48; La Rue, *Essais Historiques sur la Ville de Caen*, I. 375; Brunner, 302, No. 1; Round, *Calendar*, No. 1443. Brunner places the document between 1156 and 1159; the king's itinerary fixes it in October, 1156. For the text and a fuller discussion of this and the two other documents see below, pp. 625-629.

Normandy and count of Anjou whose name is left blank in the cartulary. One of them¹ directs two of the duke's justices to determine by recognition, *secundum assisiam meam*, who was seized of certain fiefs in the time of Henry I.; the other commands another justice to hold recognition throughout his district, *secundum assisiam meam*, concerning the fiefs of the bishop of Bayeux, and at the same time threatens one of the bishop's tenants with such a recognition unless he gives up a knight's fee wrongfully withheld from the bishop.² While the author of the second and third of these documents (Nos. 25 and 24) is not named, the style of duke of Normandy and count of Anjou was used only by Geoffrey Plantagenet and by Henry II. between his father's death in 1151 and his coronation as king in 1154.³ That the duke in question was not Geoffrey, Brunner was led to maintain from the recurrence of the phrase *assisia mea* in the writ of Henry relating to Caen; if "my assize" meant Henry's assize in the one case, it must have meant his assize in the other.⁴ Inasmuch as the assize referred to is obviously a general ordinance concerning the procedure by recognition, the introduction of this form of procedure is to be ascribed to its author, the young duke Henry II.

Such is the essence of Brunner's argument, which hinges upon two points — the meaning of the phrase *assisia mea*, and the authorship of the two anonymous writs, Nos. 24 and 25. In the matter of authorship Brunner, while confident of his interpretation — and his confidence seems to have grown into certitude since the publication of the *Entstehung*⁵ —, still admitted that a final decision was

¹ *Livre Noir*, No. 25; Bigelow, 393, No. 47; Brunner, 302, No. 2; not in Round.

² *Livre Noir*, No. 24; Bigelow, 392, No. 46; Brunner, 302, No. 3; Round, No. 1439; Stapleton, *Magni Rotuli Scaccarii Normannie*, I. xxxiv.

³ Henry received the duchy of Normandy from his father in 1150 and became count of Anjou on his father's death, September 7, 1151. His marriage with Eleanor in 1152 gave him the additional title of duke of Aquitaine. The absence of the last-named title from one of his charters does not, however, prove that the document is anterior to his marriage, as may be seen from an original published by Delisle (*Cartulaire Normand*, No. 7; Round, *Calendar*, No. 1279) which cannot be earlier than Henry's visit to England in 1153. Nos. 24 and 25, if of Henry, would fall between 1151 and 1154; Brunner places them between 1150 and 1152.

⁴ *Schwurgerichte*, 303 and note, where the silence of No. 39 in the *Livre Noir* is also urged. Brunner's conviction seems to have been fortified by the authority of Delisle (see *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, II. 207), although Delisle, perhaps following Stapleton, had formerly assigned No. 24 to Geoffrey (*Bibliothèque de l'École des Chartes*, X. 260, note 2). Round, who does not calendar No. 25, ascribes No. 24 to Geoffrey (*Calendar*, No. 1439).

⁵ In 1896 in a review of Pollock and Maitland he says: "Nach Lage der Urkunden des Liber niger capituli Baiocensis ist es zweifellos, dass die Einführung der Recognitionen in der Normandie 1150–1152 stattfand." *Zeitschrift der Savigny-Stiftung, Germ. Abt.*, XVII. 128. Cf. *ibid.*, II. 207; Holtzendorff, *Encyclopädie der Rechtswissenschaft*, edition of 1890, 325; *Political Science Quarterly*, XI. 537.

impossible before the rich treasures of the *Liber Niger* should be accessible in print. Now that the published cartulary lies before us, it appears that while the editor follows Brunner in ascribing the critical documents to Henry II., he brings no new evidence to light; the name of the duke does not appear in the printed text. Fortunately, however, a close examination of the manuscript of the cartulary reveals something more. Those familiar with the habits of medieval scribes are aware that when, as here, the initial letter was left blank for the rubricator, it was usual to give him some indication of the omitted letter by marking it lightly in the blank space or on the margin.¹ Now an attentive examination of the well-thumbed margins of the *Livre Noir* shows that the initial was clearly indicated in a contemporary hand, and that not only in Nos. 24 and 25 but in ten other documents left anonymous in the edition² the initial is G. The author of the writs in question was accordingly not Henry, but his father Geoffrey. "My assize" was Geoffrey's assize in the first instance, even if the expression was later adopted by Henry; and if Brunner's contention is sound as to the conclusion to be drawn from the phrase, it was Geoffrey Plantagenet who first established the recognition as a regular form of procedure in Normandy. In continuing the employment of this procedure in Normandy and in extending it to England Henry II. was simply carrying out the policy begun by his father. This conclusion necessarily follows if we accept Brunner's premises, but one of them, the phrase *assisa mea*, requires further investigation. Before undertaking, however, to analyze in detail the writs in which this expression is found, it is necessary to place them in their proper setting by tracing the history of the litigation concerning the rights and possessions of the bishop of Bayeux and by examining, as carefully as the material at hand permits, the procedure employed in the bishop's behalf.

The see of Bayeux, which had occupied a position of wealth

¹ Where they have often been cut off in binding.

² Nos. 16, 17, 18, 19, 39, 43, 44, 89, 90, 100. Throughout the cartulary the initial letter of charters is again and again indicated in this way, only in most of the other cases the rest of the first word was written out in the text, so that the missing letter could readily be supplied without recourse to the margin. The charters of Henry II. regularly (No. 436 seems to be the only exception) have something more of the duke's name than the initial. In all the charters of Geoffrey, as well as in many others, there is also a marginal "sic" in what appears to be a somewhat later hand, evidently that of a medieval collator.

M. Henri Omont, head of the department of manuscripts of the Bibliothèque Nationale, who happened to visit the chapter library just as I had finished examining the manuscript of the cartulary, had the kindness to verify my reading of the marginal initials. In the Bayeux cartulary in the Bibliothèque Nationale (MS. Lat. n. a. 1828, f. 154) No. 17 of the *Livre Noir* likewise appears with the initial G. indicated, this time in the blank space itself.

and importance in the eleventh century, especially in the days of Bishop Odo, the famous half-brother of William the Conqueror, suffered serious losses from the weakness and neglect of Odo's immediate successors, Torold and Richard Fitz-Samson.¹ After Richard's death in Easter week, 1133,² "in order that the church of Bayeux might not be utterly ruined," Henry I. ordered an inquest to be held, on the oath of ancient men who knew the facts, to ascertain the holdings of the church as they had existed in Odo's time, with respect both to the demesne and to the fiefs of knights, vavasors, and rustics. Accordingly "all these were sworn and recognized and by the king's command restored to the said church," which was confirmed in its possessions by a royal charter.³ The writ directing this inquest, the record of the returns from the bishop's demesne,⁴ and the confirmatory charter are referred to in documents of Geoffrey and Henry II., but they have not come down to us. Fortunately, however, the returns of the inquest relating to military tenures have been preserved and give an idea of the procedure employed. The recognition was held before the King's son, Robert, earl of Gloucester, sent to Bayeux for this purpose immediately after the death of Bishop Richard. Twelve⁵ men were chosen, and sworn to tell the truth concerning the fiefs and services; and their returns, besides stating the military obligations of the bishop and the customary reliefs and aids due him, cover in detail the holdings and services of his knights and vavasors, beginning with the principal tenant, Earl Robert himself, whose statement is incorporated verbally into their report.⁶

¹ On the history of the possessions of the see cf. Bourrienne's introduction to his edition of the *Livre Noir*, xxxiii. ff.

² Ordericus Vitalis, ed. Le Prévost, V. 31.

³ Ne funditus ecclesia predicta destrueretur, provide Henricus rex, avus meus, instituit ut iuramento antiquorum hominum qui rem norant recognoscerentur tenebatur iam dicte ecclesie sicut fuerant in tempore predicti Odonis, tam in dominicis quam in feodis militum, vavassorum, et rusticorum; ipsius equidem tempore hec omnia iurata sunt et recognita et sepe dicte ecclesie precepto eius resignata et munimine carte sue, quocumque modo a possessione ecclesie alienata essent, reddita sunt et confirmata. Writ of Henry II., *Livre Noir*, No. 14; Brunner, 264; Bigelow, 389. The inquest of Henry I. is also mentioned in a bull of Lucius II. (*Livre Noir*, No. 206) and in a later writ of Henry II. (*ibid.*, No. 32). The date is fixed by a document of Geoffrey (*ibid.*, No. 39): post mortem Ricardi episcopi, filii Sansonis.

⁴ Recognitum est sicut continebatur in scripto quod factum fuerat secundum iuramentum quod rex Henricus antea fieri preceperat. *Livre Noir*, No. 39; Bigelow, 395. That this *scriptum* was not the same as the *carta* seems probable from the different word used and from the preservation of a separate record of the military tenures.

⁵ Only eleven are given in the returns, but twelve are named in the *Red Book of the Exchequer*, the name of Helto the constable having been omitted from the Bayeux text.

⁶ The document was first published by Léchaudé from a private copy (now MS. Lat. 10064 of the Bibliothèque Nationale, f. 3) made from a register formerly in the

How much was accomplished by these proceedings toward the recovery of the bishop's rights, we have no means of knowing. That they were for a time more carefully observed may perhaps be inferred from the fact that the profits of the see would naturally fall to the King during the interval of two years which elapsed before Henry's nominee to the vacant see could be consecrated,¹ and that during this period the King remained in Normandy.² However, the new bishop, Richard of Kent, was a son of Robert, earl of Gloucester, and in the stormy times that followed the see seems to have been at the mercy of his father, who soon succeeded in usurping the greater part of its property.³ The reestablishment of the bishop's fortunes was the work of Richard's successor, Philippe d'Harcourt, bishop from 1142 to 1163, within whose episcopate the evidence of value for the early history of the Norman jury is chiefly found. Wise in the knowledge of this world which is foolishness with God, as the contemporary abbot of Mont-Saint-Michel describes him,⁴ Philip seems to have begun his arduous struggle for the recovery of his possessions immediately upon his accession, and to have sought from the beginning the support of the papacy. When his sentences of excommunication proved ineffective in spite of papal sanctions,⁵ Philip made in 1144 the first of a number of journeys to Rome,⁶ and on May 16 of that year obtained from Pope Lucius II. three important bulls which mark a turn in the fortunes of the church of Bayeux. One, addressed to Philip himself, enumerated and confirmed the ancient privileges and possessions of the see.⁷

episcopal archives; *Mémoires de la Société des Antiquaires de Normandie*, VIII. 425-431. Also in Béziers, *Mémoires pour Servir à l'État Historique et Géographique du Diocèse de Bayeux*, I. 142; and in the *Historiens de France*, XXIII. 699-702, which furnishes the best text. These returns are also found in Léchaudé's copies in the Public Record Office (*Cartulaire de la Basse Normandie*, I. 53), but are not mentioned in Round's *Calendar*. Upon them is based the summary of services due from the bishop of Bayeux contained in the *Red Book of the Exchequer* (ed. Hall, 645-647; *Historiens de France*, XXIII. 699).

¹ Ordericus, V. 31, 45.

² Henry of Huntingdon, 253-254; Robert de Torigni, ed. Delisle, I. 192-194.

³ *Livre Noir*, No. 190.

⁴ Robert de Torigni, ed. Delisle, I. 344. Cf. also *Historiens de France*, XIV. 503; and the *Epistolæ* of Arnoul de Lisieux (Migne, CCI.), No. 6. The various possessions recovered by Philip's efforts are enumerated in a bull of Eugene III. of February 3, 1153, *Livre Noir*, No. 156.

⁵ Bull of Innocent II., June 18, 1143 (probably), *Livre Noir*, No. 195; bull of Celestine II., January 9, 1144, *ibid.*, No. 179.

⁶ He appears in the Pope's presence three times under Eugene III., in 1145 (*Livre Noir*, No. 173), in 1146 (*ibid.*, No. 207), and in 1153 (*ibid.*, No. 200). His presence at Rome when the bulls were obtained from Lucius II. is also attested by a bull of May 15, in which he appears as a witness. Martène and Durand, *Thesaurus*, III. 887; Jaffé-Löwenfeld, *Regesta*, 8609.

⁷ *Livre Noir*, No. 154.

The second commanded the clergy and people of the diocese to render due obedience to the bishop, and after annulling all grants and sales of church property made since the time of Bishop Odo, ordered its restitution to the church of Bayeux on the tenure by which it should be proved, on the oath of lawful witnesses, to have been held in Odo's time.¹ The third bull was addressed to Geoffrey, count of Anjou, who had just succeeded in making himself master of Normandy,² and directed him to cause the possessions of the see of Bayeux to be declared by the sworn statement of lawful men of the region, in the same manner as they had been recognized in the time of his father-in-law, Henry I.³ These bulls were re-issued in March, 1145,⁴ by the successor of Lucius, Eugene III., who also rebuked the encroachments of various monasteries and individuals upon the rights of the bishop,⁵ but from this point on we need concern ourselves no longer with the acts of the popes, but turn our attention to the machinery of secular justice which they seem to have set in motion.

For a study of the recognitions held concerning the lands of the bishop of Bayeux under Duke Geoffrey the evidence consists of ten documents in the *Livre Noir* emanating from Geoffrey or his justices,⁶ and a number of references to these and to others made in documents of Henry II.⁷ The inquests to which these writs and charters relate are of course subsequent to the conquest of Normandy by Geoffrey in 1144 and anterior to his relinquishment of the duchy to his son Henry in 1150,⁸ and it is altogether likely that they fall after the bull of Eugene III. of March, 1145.⁹ The documents are issued at various places — Rouen, Le Mans, Bayeux — and wit-

¹ *Ibid.*, No. 157; Jaffé-Löwenfeld, 8612.

² Robert de Torigni, ed. Delisle, I. 233-234.

³ *Livre Noir*, No. 206.

⁴ Only the reissues of the first two have come down to us (*Livre Noir*, Nos. 155, 173), but it is implied in No. 39 that the bull to Geoffrey was likewise repeated.

⁵ *Livre Noir*, Nos. 190, 159 (the Pope's itinerary makes it clear that these are of 1145); 186, 199 (these two may be of either 1145 or 1146); 198 (clearly of 1146); 191 (of 1147—cf. the Pope's itinerary and No. 41); and 192.

⁶ Nos. 16, 17, 19, 24, 25, 39, 43, 44, 89, 90. Bigelow, *History of Procedure*, 390 ff., Nos. 43-47, 51-55. Cf. Brunner, *Schwurgerichte*, 265 ff., 302. The first letter of each of these is in blank in the cartulary, but in every case G appears on the margin.

⁷ Nos. 9, 12, 14, 32, 36. Of these only Nos. 14 and 32 are in Bigelow (Nos. 42 and 49).

⁸ This date has been attacked by Miss Norgate (*England under the Angevin Kings*, I. 369, note; *Dictionary of National Biography*, under "Henry II."), who prefers 1148; but the evidence of the chroniclers tells strongly in favor of 1150 (Howlett, *Chronicles of Stephen*, IV. 161, note 3; Robert de Torigni, ed. Delisle, I. 253, with note 4), and the method of reckoning in a charter of Henry fixes the date between January, 1150, when he arrived in Normandy, and November of that year (Round, *Calendar*, No. 820).

⁹ *Predictorum patrum nostrorum Lucii pape et Eugenii litteris commoniti. Livre Noir*, No. 39.

nessed by various of the duke's followers, but none of them are dated, and our knowledge of the itineraries of Geoffrey and his justices is not sufficient to permit of drawing close chronological limits. It is, however, probable that the process of recovering the bishop's possessions began soon after the papal bulls were received, and there is some reason for placing at least two of the documents before the summer of 1147.¹ An examination of this material shows that the documents that have reached us are only a portion of those that once existed, but they illustrate the different stages in the process of recognition and give a fair idea of the procedure employed. Apart from the general order to try by sworn inquest all disputes which might arise concerning the bishop's fiefs,² a document to which we shall return later, the duke must have provided for a general recognition of the rights and possessions of the see, similar to the one which had been held under Henry I. and to that which was afterward ordered by Henry II.³ This was supplemented, at least in some cases, by special writs issued to individual justices and relating to particular estates.⁴ After holding the local inquest each justice made a written return to the duke,⁵ and the results were finally embodied in ducal charters.⁶

The course of procedure can be followed most clearly in the various documents relating to the rights of the bishop of Bayeux in the *banlieue* of Cambremer, a privileged portion of an enclave of his diocese lying within the limits of the diocese of Lisieux.⁷ The duke issued a writ to Renaud de St. Valeri, Robert de Neufbourg, and all his justices of Normandy, ordering them to hold a recogni-

¹ Galeran, count of Meulan, who appears as witness in No. 16 and as the justice who makes the return in No. 89, took the cross at Vézelay in 1146 and followed Louis VII. on the second crusade (Robert de Torigni, ed. Delisle, I. 241; *Chronicon Valasense*, ed. Somménil, Rouen, 1868, pp. 7-9), so that he was away from Normandy from the summer of 1147 until 1149, or thereabouts. The bulls of Eugene III. and other documents in the *Livre Noir* indicate that the active period in the recovery of the bishop's rights lies between 1145 and 1147. See Nos. 159, 189, 190, 199, 186, 207, 198, 191, 192 for the papal bulls, and for the other documents Nos. 41, 52, 100-104.

Port, in his *Dictionnaire Historique de Maine-et-Loire*, II. 255, says that Geoffrey himself went on the crusade in 1147, but I have not found any authority for the statement. Geoffrey issued a charter for Mortemer at Rouen, October 11, 1147 (or 1148, if we follow the epact), whereas the crusaders started in June. *Bulletin de la Société des Antiquaires de Normandie*, XIII. 115, No. 2; Round, *Calendar*, No. 1405.

² No. 16.

³ The order of Geoffrey for a general recognition has not been preserved, but is clearly presupposed in his charter describing the results of the inquests (No. 39) and in the similar order of Henry II. (No. 147).

⁴ Nos. 17, 24, 25. Similar writs are presupposed in Nos. 89 and 90 and in No. 36.

⁵ Nos. 43, 44, 89, 90.

⁶ Nos. 39 (cf. Nos. 9, 12, 32), 19 (cf. 18); reference to such a charter in No. 36.

⁷ On the *banlieue* (*leugata*) in Normandy see Delisle, *Étude sur la Classe Agricole en Normandie*, 40. On the enclave of Cambremer, Béziers, *Mémoires sur le Diocèse de Bayeux*, I. 28; III. 152.

tion on the oath of good men of the vicinage concerning the limits of the *banlieue*, its customs, forfeitures, and warren, and to put Bishop Philip in such possession of them as his predecessors had enjoyed under William the Conqueror and Henry I.¹ The inquest was held by the duke's justices, Robert de Neufbourg and Robert de Courci, in the church of St. Gervais at Falaise. The jurors were chosen from the old and lawful men residing within the district in question, some of whom had been officers (*servientes*) of the *banlieue* in the time of King Henry, and care was taken to summon a larger number than the justices ordinarily called, eighteen² in all, and to see that they represented the lands of different barons. On the basis of what they had heard and seen and knew the recognitors swore to the boundaries of the *banlieue* and to the bishop's tolls, fines, warren, and rights of justice. The justices then drew up returns addressed to the duke, stating the verdict found and the names of the jurors,³ and on the basis of these the duke issued a charter embodying the results of the recognition.⁴ The inquest concerning the other manors of the bishop was held in the choir of the cathedral at Bayeux by Richard de la Haye, Robert de Neufbourg, Robert de Courci, and Enjurer de Bohun, specially deputed by the duke for this purpose. The evidence of the recognitors, comprising several ancient and lawful men from each manor, was found to be in entire agreement with the written returns of the inquest held under Henry I., and a statement to this effect was embodied in a charter of the duke, which further specified as belonging to the bishop's demesne the estates of Carcagny and Vouilly, the fosse of Luchon, and "the Marsh and its herbage, including the reeds and rushes."⁵ A special charter was also issued for Carcagny and Vouilly.⁶ The bishop's forests were likewise the object of an inquest, but the writ and charter issued in this case, though cited by Henry II.,⁷ have not come down to us.

¹ *Livre Noir*, No. 17; MS. Lat. n. a. 1828, f. 154, No. 401.

² Eighteen, according to the return of Robert de Neufbourg, but only seventeen names appear in the lists.

³ Nos. 43, 44 (cf. 32). Each of these returns is in the name of both justices, but in one case the name of Robert de Neufbourg, and in the other that of Robert de Courci appears first. Brunner (p. 266) suggests the natural explanation that in each case the document was drawn up by the justice whose name appears first. The similar reports of the recognition in regard to Cheffreville (Nos. 89, 90) are made by the justices individually.

⁴ No. 39, where the facts with regard to Cambremer are set forth at length along with the returns from other domains, the two justices appearing among the witnesses. References to this recognition are also made in Nos. 9, 12, 32, and 156.

⁵ No. 39, end.

⁶ No. 19; Brunner, 268. Cf. also the notification in No. 18 of the quitclaim of the fosse of Luchon.

⁷ No. 36.

It will be observed that all the documents so far examined relate to the bishop's demesne, and that, while the preservation of a larger body of material from Geoffrey's time enables us to see more clearly the different stages in the process of recognition, there is no indication that the procedure differs in any way from the practice of Henry I.'s reign, which it professes to follow. Indeed, so long as the subject-matter of the inquest is the bishop's demesne, it is not likely that there will be much advance in the direction of the trial jury; except that the rights in question are claimed for the bishop instead of for the king or duke, such recognitions as have been described show no significant difference from a fiscal inquest, such, for example, as the Domesday survey. The application of the inquest to the feudal possessions of the bishop, on the other hand, brings us a step nearer the later assizes. There is, it is true, no distinction in principle between recognizing the bishop's demesne and recognizing his fiefs, but inasmuch as disputes between lord and tenant constitute a large proportion of the cases arising under the later assizes, the submission of any such controversy to the sworn verdict of neighbors is a movement away from the inquest that is primarily fiscal, and toward the general application of the inquest to suits concerning tenure. Whether Geoffrey also imitated the example of Henry I. in ordering a general inquest with regard to the fiefs of the bishop does not clearly appear. Henry II. indicates that such was the case,¹ and an extant writ directs one of the duke's justices to have the bishop's fief in his district recognized,² but no set of returns for the fiefs has been preserved, and the compiler of the list of the bishop's tenants in the *Red Book of the Exchequer* went back to the returns of the inquest of Henry I.³ There is, however, another writ of Geoffrey relating to the bishop's fiefs which deserves careful attention. It is addressed to all his barons, justices, bailiffs, and other faithful subjects in Normandy, and provides that "if a dispute shall arise between the bishop and any of his men concerning any tenement, it shall be recognized by the oath of lawful men of the vicinage who was seized of the land in Bishop Odo's time, whether it was the bishop or the other claimant; and the verdict thus declared shall be firmly observed unless the tenant can show, in the duke's court or the bishop's, that the tenement came to him subsequently by inheritance or lawful gift."⁴

¹ *Livre Noir*, No. 14.

² *Ibid.*, No. 24.

³ Ed. Hall, 645-647; *Historiens de France*, XXIII. 699.

⁴ Volo et precipio quod si de aliqua tenedura orta fuerit contentio inter episcopum et aliquem de suis hominibus, per iuramentum legitimorum hominum vicinie in qua hoc fuerit sit recognitum quis saisitus inerat tempore Odonis episcopi, vel ipse episcopus vel ille cum quo erit contentio; et quod inde recognitum fuerit firmiter teneatur, nisi ille qui tenet po-

Here we have something new, so far as existing sources of information permit us to judge. Instead of a general inquest to be held once for all by the king's officers to ascertain the tenure of the bishop's fiefs, the writ in question confers a continuing privilege — in any controversy that may arise between the bishop and any of his men the procedure by sworn inquest shall be applied. The remedy is designed for the benefit of the bishop, not of his tenants; no attempt is made to deprive the bishop of his court or extend the competence of the court of the duke; but the establishment of the principle that, not merely in this case or in that case, but in any case between the bishop and one of his tenants the oath of lawful neighbors shall decide, is a considerable advance in the extension of the duke's prerogative procedure to his subjects.¹

It is in the light of this document that we should read the two writs of Geoffrey which make mention of the duke's assize. As they were both witnessed at Le Mans by Pain de Clairvaux² and appear together in the cartulary, it is probable that they were issued about the same time. One of them, resembling the later *Præcipe quod reddat*, is directed to Enjuger de Bohun, this time not as one of the king's justices but as in wrongful possession of two fiefs of the bishop of Bayeux at Vierville and Montmartin. He is ordered to relinquish these to the bishop and to refrain from further encroachments; unless the fiefs are given up, Geoffrey's justice Richard de la Haye is directed to determine by recognition, in accordance with the duke's assize, the tenure of the fief in King Henry's time and to secure the bishop in the possession of the rights thus found to belong to him. The writ adds: "I likewise command you, Richard de la Haye, throughout your district³ to have the bishop's fief recognized and to see that he possesses it in peace as it shall be

terit ostendere quod tenedura illa in manus suas postea venerit iure hereditario aut tali donatione que iuste debeat stare, et hoc in curia episcopi vel in mea. *Livre Noir*, No. 16; Bigelow, 390, No. 43; Brunner, 265. It is also provided that no officer shall enter upon the bishop's lands, for judicial or other purposes, except in accordance with the practice of King Henry's time. The writ is witnessed at Rouen by the count of Meulan, so that it must be anterior to the summer of 1147 or subsequent to his return from the east in 1149 or thereabouts.

¹ In such cases, too, the writ could be issued in the duke's name without the necessity of his initiative in every case.

² An Angevin knight, who was one of Geoffrey's favorite companions (Marchegay, *Chroniques d'Anjou*, I. 234, 270) and frequently appears as a witness to his charters (e. g., Round, *Calendar*, No. 1394; MSS. Dom Housseau in the Bibliothèque Nationale, IV. Nos. 1505, 1567, 1587, 1614).

³ The proof that Geoffrey is the author of this writ is of importance in connection with this passage because of its bearing upon the date of the institution of *bailie* in Normandy. For the discussion on this point see Stapleton, *Magni Rotuli*, I. xxxiv; Delisle in the *Bibliothèque de l'École des Chartes*, X. 260; Brunner, 157.

recognized according to my assize."¹ The other writ is addressed by Geoffrey to his justices Gui de Sablé and Robert de Courci, and directs them to ascertain by recognition, according to his assize, who was seized of the fief and service of Guillaume Bersic in King Henry's time, and if it is recognized that the bishop of Bayeux was then seized thereof, to secure his peaceful possession. They are also commanded to determine by recognition, according to the duke's assize, who was seized of the land of Cramesnil and Rocquancourt in Henry's time, and if it be recognized that Vauquelin de Courseulles was then seized of it, to secure him in peaceful possession and prohibit Robert Fitz-Erneis and his men from doing it injury, at the same time compelling them to restore anything they may have taken from the estate since the duke's proclamation of peace at Epiphany.²

If we compare these writs with the only other special writ of Geoffrey in the *Livre Noir*, that directing the recognition concerning the *banlieue* of Cambremer,³ we find the essential difference to be that whereas in the case of Cambremer it is expressly provided that the facts shall be ascertained by the oath of good men of the vicinage (*faciatis recognosci per sacramentum proborum hominum de vicinio*), in the two other writs no statement is made regarding the procedure except that the facts are to be found according to the

¹ G. dux Normannorum et comes Andegavie, E[ngelgero] de Buhun, salutem. Mando tibi et precipio quod dimittas episcopo Baiocensi in pace feudum militis quod Robertus Marinus de ipso tenebat Wirenille et feudum suum quod Willelmus de Moïun de ipso apud Munmartin tenere debet, quod huc usque iniuste occupasti; quod nisi feceris, precipio quod iusticia mea R[icardus] de Haia secundum assisiam meam recognosci faciat predictum feudum episcopi quomodo antecessores sui tenuerunt tempore regis Henrici, et sicut recognitum fuerit ita episcopum in pace tenere faciat. Et te, Engengere, precor ne de aliquo iniuste fatiges episcopum, quia ego non paterer quod de iure suo aliquid iniuste perderet. Tibi etiam, Ricarde Lahaia, precipio quod per totam bailiam tuam, secundum assisiam meam, recognosci facias feudum episcopi Baiocensis, et ipsum in pace tenere sicut recognitum fuerit secundum assisiam meam. Teste Pag[ano] de Clar[is] Vall[ibus] apud Cenomanos. *Livre Noir*, No. 24; Stapleton, *Magni Rotuli*, I. xxxiv; Brunner, 80, 302; Bigelow, 392, No. 46; Round, *Calendar*, No. 1439.

² G. dux Norm[annorum] et comes Andegavie, G[uidoni] de Sableio et R[oberto] de Curc[eio], iusticiis suis, salutem. Mando vobis quod sine mora recognosci faciatis, secundum assisiam meam, de feodo Guillelmi Bersic et de servicio eiusdem quis inde saisitus erat tempore regis Henrici; et si recognitum fuerit quod episcopus Baiocensis inde saisitus esset, vivente rege Henrico, ei habere et tenere in pace faciatis. Preterea vobis mando quod recognosci faciatis, secundum assisiam meam, de terra de Cramesnil et de Rochencort quis inde saisitus erat tempore regis Henrici; et si recognitum fuerit quod Gauquelinus de Corceliis inde saisitus esset eo tempore, ei in pace tenere faciatis et prohibete Roberto, filio Erneis, ne aliquid ei forifaciat neque sui homines; et si Robertus, filius Erneis, sive sui homines aliquid inde ceperint, postquam precepi in Epiphania Domini quod terra esset in pace donec iuraretur cuius deberet esse, reddere faciatis. Teste P[agano] de Clar[is] Vall[ibus], apud Cenomanos. *Livre Noir*, No. 25; Brunner, 302; Bigelow, 393, No. 47; not in Round.

³ No. 17.

duke's assize (*recognosci faciatis secundum assisiam meam*). The same difference appears in the writs of Henry II. for Bayeux; indeed, in a single document provision is made for the determination of one question by the verdict of ancient men, and of others in accordance with the assize.¹ The absence from the cartulary of any returns from the justices who were instructed to proceed in accordance with the assize precludes our comparing the procedure; the analogy of the practice in regard to the bishop's demesne and in the matter of his feudal rights at Cheffreville² leads us to look for the sworn inquest of neighbors in these cases as well. The word "assize," as Littleton long ago pointed out,³ is an ambiguous term. It seems to have meant originally a judicial or legislative assembly, from which it was extended to the results of the deliberations of such an assembly, whether in the form of statute or of judgment, and was then carried over from the royal or ducal assizes which established the procedure by recognition to that form of procedure itself.⁴ In the writs in question "my assize" may refer to an ordinance of Geoffrey regulating procedure, it may denote the procedure so established, or it may conceivably mean only the prerogative procedure of the duke — his not in the sense of origination but of exclusive possession. Brunner's contention, that the phrase can refer only to an ordinance by which a particular sovereign introduced the procedure by recognition as a regular remedy throughout Normandy, involves a number of assumptions which need proof. Even if it be admitted that the assize here mentioned was a ducal ordinance, the use of the same expression by Geoffrey and Henry II. stands in the way of ascribing the exclusive credit for the act to either of these rulers, while it is still more questionable to assume that the supposed ordinance covered the whole duchy. There is nothing in either of the writs which goes beyond the sphere of the bishop's interests,⁵ and unless new evidence can be brought for-

¹ No. 27.

² Nos. 89 and 90 (Bigelow, 398, 399, Nos. 54, 55; Brunner, 269, ascribing them to Henry II.), the returns made by the duke's justices, Galeran de Meulan and Renaud de St. Valeri, of an inquest held in regard to the respective rights of the bishops of Bayeux and Lisieux at Cheffreville. The bull of Eugene III. (No. 156) which enumerates the possessions recovered by Philippe d'Harcourt mentions the recovery of fiefs at Ducy and Louvières by judgment of Geoffrey's court, but nothing is said of the procedure.

³ *Tenures*, c. 234.

⁴ Brunner, 299. Cf. Stubbs, *Constitutional History* (6th ed.), I. 614; Murray's *Dictionary*, s. v.

⁵ It is not specifically stated in No. 25 that Cramenil and Rocquancourt were fiefs of the bishop, but we know from other sources that Cramenil was, and they were evidently connected. See the inquest of Henry I. (*Mémoires des Antiquaires de Normandie*, VIII. 427; *Historiens de France*, XXIII. 700; Béziers, *Mémoires*, I. 144); also Béziers, I. 153; and Hippeau, *Dictionnaire Topographique du Calvados*, 90.

ward for other parts of Normandy, we have no right to conclude that the supposed ordinance affected any one except the bishop of Bayeux. Now we have just such a special privilege for the bishop in the writ providing for the use of the sworn inquest in disputes between the bishop and his men concerning any tenement.¹ This covers just the sort of cases which appear in the two special writs that mention the duke's assize, and may well be the assize to which they refer.² Proof is of course lacking for a positive identification — "my assize" may signify a lost ordinance or presuppose no ordinance at all —, but the hypothesis that the general writ preserved in the cartulary is the much-discussed assize of Geoffrey seems to meet the conditions of the case better than any other that has been proposed.

For the reign of Henry II. the *Livre Noir* yields much less than for that of Geoffrey, under whom the bishop would seem to have succeeded in regaining the larger part of his lands and privileges. The use of the sworn inquest continues—indeed Henry was compelled to employ it repeatedly for the recovery of his own ducal rights, which had suffered severely during the anarchy under Stephen,³ so that we hear of inquests held in the early years of his reign to ascertain the duke's demesne and customs at Bayeux,⁴ in the Bessin,⁵ and elsewhere,⁶ and even in 1163 of a general recognition held by the justices throughout Normandy, diocese by diocese, to determine "the lawful dues and customs pertaining to the king and the barons."⁷ On behalf of the bishop of Bayeux Henry issued early in his reign a general writ, which, after reciting the proceedings under Henry I. and Geoffrey, directed the recognition of the bishop's demesne, fiefs, liberties, and customs by the oath of ancient and lawful men acquainted with facts, as they had been sworn to in the time

¹ No. 16.

² There is, it is true, a discrepancy in the periods set as the basis of the recognition; in No. 16 the lands are to be held as in Bishop Odo's time, while in Nos. 24 and 25 the tenure of Henry I.'s time is to be established. The difference is, however, of no special importance; the documents in the cartulary do not appear to make any sharp distinction between the two periods, and the writs may well have varied according to circumstances. The returns concerning the feudal rights at Cheffreville (Nos. 89, 90) go back to the tenure of Henry's time, those relating to Cambremer mention both his and Odo's, while in the latter portion of No. 16 the practice of Henry's time is to be observed in regard to the immunity of the bishop's lands.

³ Cf. Robert de Torigni, ed. Delisle, I. 284.

⁴ *Livre Noir*, Nos. 13, 138; *Mémoires de la Société des Antiquaires de Normandie*, VII. 179.

⁵ *Livre Noir*, No. 35.

⁶ *Historiens de France*, XIV. 505; Round, *Calendar*, Nos. 134, 137.

⁷ Robert de Torigni, I. 344. Cf. another inquest in 1171 (*ibid.*, II. 28) and the inquest on the duke's rights entitled "Jurea regalis" preserved in the *Très Ancien Coutumier de Normandie* (ed. Tardif, 59).

of his father and grandfather.¹ A similar writ was issued with reference to the bishop's forests,² and while no new recognition seems to have been held for the *banlieue* of Cambremer, the justices were repeatedly instructed to secure the observance of the bishop's rights there as defined in Geoffrey's time.³ The bishop's multure at Bayeux and his rights in the ducal forests of the Bessin were likewise the object of a recognition,⁴ and still other inquests related to his rights at Isigny and Neuilly⁵ and his possessions at Caen. The only matter deserving special remark among these various inquests is found in the writ touching the rights at Caen, which is addressed to the king's justice William Fitz-John, and runs as follows: "I command you to have recognized by ancient men of Caen from how many and which houses in Caen the bishops of Bayeux were wont to have rent and profits in the time of King Henry, my grandfather, and what services and customs they had from them. And you shall cause Philip, bishop of Bayeux, to possess the houses fully and justly and in peace according as the recognition shall determine. And you shall do him full right, according to my assize, in respect to the land where the bishop's barns used to stand, and full right in respect to the arable land by the water, according to my assize, and full right in respect to the tithes of woolens at Caen, according to my assize."⁶ Here we have again the puzzling words *secundum assisam meam*, and Brunner draws from them the conclusion that Henry was the creator of recogni-

¹ *Livre Noir*, No. 14; Bigelow, 389, No. 42; Brunner, 268. Issued at Falaise between 1151 and 1154.

² *Livre Noir*, No. 36. Undated, but evidently issued early in 1156, as appears from the King's itinerary (Eyton, *Court, Household, and Itinerary of King Henry II.*, 17). No. 12 evidently belongs to the same period.

³ *Livre Noir*, Nos. 9, 12, 32; Round, *Calendar*, Nos. 1442, 1445.

⁴ The writ ordering the inquest (No. 28; Round, No. 1444), witnessed by Thomas the Chancellor at Limoges, obviously belongs to October, 1156; see Eyton, 20. The writ embodying the results, No. 35, is dated at Barfleur and may well have been issued in the following April (Eyton, 24).

⁵ No. 46, subsequent to the accession of Bishop Henry in 1165.

⁶ Henricus, rex Anglie et dux Normannie et Aquitanie et comes Andegavie, Willelmo filio Johannis, salutem. Precipio tibi quod facias recognosci, per antiquos homines Cadomi, quot et quarum domorum in Cadomo episcopi Baiocenses solebant habere census et redditus tempore Henrici regis, avi mei, et que servicia et quales consuetudines inde tunc habebant; et sicut fuerit (MS. fuerat) recognitum, ita in pace et iuste et integre eas facias habere Philippo episcopo Baiocensi. Et plenum rectum ei facias de terra ubi grangee episcopi [esse] solebantesse, secundum assisam meam; et plenum rectum ei facias de terra arabili que est iuxta aquam, secundum assisam meam; et plenum rectum ei facias de decimis (blank in MS.) et lanificiorum de Cadomo, secundum assisam meam. Et nisi feceris, Robertus de Novo Burgo faciat. Teste Toma cancellario apud Lemo-vicas. *Livre Noir*, No. 27; De la Rue, *Essais Historiques sur la Ville de Caen*, I. 375; Bigelow, 393, No. 48; Brunner, 302; Round, No. 1443 (incomplete). This document evidently belongs to October, 1156, for the same reasons as No. 28 (Eyton, 20).

tions in Normandy.¹ The phrase is not found in the writ which seems to have been issued at the same time for the recognition of the bishop's multure and his rights in the forests of the Bessin, where, however, there is the difference that the rights in question touched the King's own privileges and were recognized by the jurors specially appointed to swear to Henry's customs and demesne in the Bessin.² No other document of Henry referring to his assize has been found, and there is nothing in this one to show that the assize included anything outside of the bishop's possessions or involved any method of procedure different from "the oath of old and lawful men who know the facts," as prescribed in the general order for the recognition of the bishop's rights, issued by Henry before he became king.³ This general writ may not be the assize in question, but it certainly covers the ground of the special writ for Caen. In any case, there is no necessity for inferring that anything more general was meant by Henry's use of the term assize. Whether Henry also issued a general writ similar to that of Geoffrey providing for the regular use of the sworn inquest in suits between the bishop and his tenants, it is impossible to say. No such document has been preserved, nor do any of the documents of Henry's time in the *Livre Noir* relate to cases where the fiefs of the bishop are concerned.

For the history of the recognition in other parts of Normandy no such body of material as exists for Bayeux has come to light, although something more might reward a thorough search. That its employment in cases concerning tenure was not limited to fiefs of the bishop of Bayeux is, however, clearly seen from a charter of Geoffrey in favor of Algar, bishop of Coutances, which confirms the verdict of six jurors rendered in accordance with the duke's writ at his assize at Valognes, to the effect that Robert Fitz-Nigel and his predecessors had held of the bishop and his predecessors whatever rights they had enjoyed in the churches of Cherbourg and Tourlaville and their appurtenances.⁴ Another indication of the

¹ *Schwurgerichte*, 303.

² Writ in *Livre Noir*, No. 28; returns, *ibid.*, No. 35: per sacramenta iuratorum qui sunt constituti ad iurandas consuetudines meas et dominica mea de Baiocensi.

³ *Livre Noir*, No. 14.

⁴ Dux Normannie et comes Andegavie H. archiepiscopo et omnibus episcopis Normannie, baronibus, iusticiis, et omnibus suis fidelibus, salutem. Notum sit vobis atque omnibus tam presentibus quam futuris quod in tempore meo et Algari Const[anciensis] episcopi fuit iuramento comprobatum per meum preceptum in assisia mea apud Valonias quod Robertus (MS. vob') filius Nigelli et omnes predecessores sui ab Algari Constanciensi et ab aliis predecessoribus suis Constan[ciensibus] episcopis tenuerant quicquid in ecclesiis de Cesariburgo et de Torlavilla et in omnibus possessionibus ad illas ecclesias pertinentibus habuerant. Hoc vero iuraverunt Ricardus de Wauvilla, Willelmus monachus, Willelmus de Sancto Germano, Willelmus de Bricquevilla, Ricardus de Martinvast, Robertus de Valonis. Quare ego concedo quod hoc secundum illorum iuramentum ratum

prevalence of this method of proof appears, along with clear evidence of the continued use of trial by battle, in Geoffrey's charter for the town of Rouen, where in providing that no citizen shall be held to wage combat against a hired champion it is prescribed that the fact of the champion's professionalism shall be determined on the oath of ten citizens of Rouen selected by the justice.¹ Whether the fiscal inquest was commonly used to secure the rights of religious establishments upon which the Norman dukes had conferred the privileges enjoyed by their own demesne,² does not appear from the evidence that has reached us. With regard to the abbey of Savigni, trial by lawful men of the *villa* is prescribed by a writ of the Empress Matilda in the case of offenses committed against the monastery by the foresters or their servants.³ Further examples

sit et perpetuo teneatur. Testes vero huius concessionis sunt: R [icardus] cancellarius, Willelmus de Vernon, Engelg[erus] de Bouhon, Alexander de Bouhon, Jordanus Taysson, Robertus de Novo [Burgo], Robertus de Corceio, Joisfredus de Tur[onibus], G[autfredus] de Cleer, P[ipinus] de Tur[onibus]. Apud Sanctum Laudum. "Cartulaire B" of the cathedral of Coutances, P. 350, No. 286. Here, as in most of the other documents in this cartulary, the initial is left blank and not indicated. In this case, however, it is supplied by a *vidimus* of Philip Augustus in the same cartulary (P. 351, No. 288) printed in Delisle, *Cartulaire Normand*, No. 162, which refers to this charter as "autenticum G. ducis Normannie, cuius mandato fuit recognitum in assisia apud Valonias." On the cartularies of Coutances cf. Delisle, *Catalogue des Actes de Philippe-Auguste*, 538. "B," the only surviving cartulary, is still in the episcopal archives at Coutances, where I was permitted to examine it through the kindness of the bishop's secretary, M. Fleury. The manuscript is almost dropping to pieces; a volume of extracts made by Le Cardonnel in 1863 and preserved in the same archives is of assistance in some places.

By following Léchaudé and overlooking the *vidimus* Mr. Round (*Calendar*, No. 960) was led to ascribe this charter to Henry II. So Bigelow, *History of Procedure*, 367, No. 9. The treatment of this document affords a good illustration of Léchaudé's carelessness. Not only does he omit the last four witnesses, but he quietly inserts Henry's name in his copies—"Henricus &a" in the *Cartulaire de la Basse Normandie*, I. 129; "Henricus R." in MS. Lat. 10068, f. 88, No. 57. Mr. Round was obliged on account of the witnesses to give up the attribution to Henry as king, but ascribed it to him as duke. Brunner, p. 269, prints the essential portion of the charter and recognizes Geoffrey as its author. The lost cartulary "A", of which a partial analysis is preserved in the episcopal archives, contained a copy of the *vidimus* which interpreted G. as the initial of a duke William; the text as printed in Dupont, *Histoire du Côtentin*, I. 466, is apparently derived from this cartulary.

Algar was bishop from 1132 to 1151 (cf. Delisle, *Robert de Torigni*, I. 257, note); the charter obviously falls between Geoffrey's conquest of western Normandy in 1143 and his resignation of the dukedom in 1150. Brunner, apparently following Delisle, conjectures the date to be 1145.

¹ Charter of Geoffrey as confirmed by Henry II. soon after he obtained the duchy, Chérueil, *Histoire de Rouen*, I. 242; Round, *Calendar*, No. 109. Giry (*Établissements de Rouen*, I. 25-26) thinks Geoffrey's charter dates from his taking of the town in 1144.

² On the charters conferring these privileges, "*Mundbriefe*," see Brunner, 92-97, 238 ff.

³ M. imperatricis (*sic*), regis H. filia, F. de Tenchebrai salutem. Mando tibi et precor atque precipio quod permittas senioribus de Savigneio habere et tenere suam fabricam et alia omnia que ad eos pertinent de elemosina predecessoris mei regis H. ita libere

of the recognition also appear in 1157 on the lands of the monks of Mont-Saint-Michel, where the question at issue concerned the liability of the men of the monastery and those of the monks and nuns of Caen to carry the king's hay,¹ and a few years later in the extensive inquest held with regard to the demesne and fiefs of the abbey of St. Étienne de Caen.²

Greater importance attaches to two others among these scattered documents, which have a direct bearing upon provisions of the constitutions of Clarendon, and indicate that the early years of the reign of Henry II. in Normandy deserve more careful study than they have yet received in connection with his English assizes. It will be recalled that in the first of the constitutions drawn up at Clarendon the principle is laid down that if a dispute arise concerning the advowson and presentation of churches, whether between laymen, between laymen and ecclesiastics, or between ecclesiastics, it shall be tried and determined in the king's court.³ Now it appears that as early as 1159 — the same year that Henry was insisting on such use of the accusing jury in ecclesiastical courts in Normandy as was afterward asserted for England in the sixth section of the constitutions of Clarendon⁴ — the king's court in Normandy had successfully maintained its jurisdiction over presenta-

et quiete sicut ea habuerunt et tenuerunt tempore ipsius regis. Si autem forestarii vel aliquis alius famulorum eos (MS. eorum) in quoquam forte molestaverint et inquietaverint, fac inde tractari causam iuste per homines legales ipsius ville, ita ne amplius inde clamorem audiam pro recti penuria. Si vero alius aliquis iniuriam eis in aliquo fecerit, manuteneas eos ubique et protegas sicut nostrum dominicum quod habemus protegere ut nostram elemosinam. Teste Roberto de Curc[eio]. Apud Falesiam. *Cartulaire de Savigni* in the Archives de la Manche at Saint-Lô, No. 280; copy sent me by the kindness of the archivist, M. Dolbet. In part in Brunner, 241; not in Round.

¹ The record is preserved (No. 34) in a valuable series of entries relating to the possessions of Mont-Saint-Michel, between the years 1155 and 1159, made in the cartulary of the abbey (Bibliothèque d'Avranches, MS. 210, fol. 112v. ff.) and printed by Delisle in his edition of Robert de Torigni, II. 237-260 (Howlett, *Chronicles of Stephen*, IV. 331-345). The recognition is held "pro prece monachorum." No. 9 of these notices records a duel over a mill waged in 1155 between the abbot and the bishop of Coutances before the king's chief justices in assize at Carentan. For a duel waged about the same time between the monks of St. Evroul and one of their tenants see Round, *Calendar*, No. 639.

² Two, but evidently not all, of the documents are in the *Mémoires des Antiquaires de Normandie*, XV. 197-198; Round, No. 454. The mention of Achard, bishop of Avranches, shows that they are not earlier than 1161, while the names of Rotrou, bishop of Evreux, and Philip, bishop of Bayeux, fix 1164 as the latest limit of date. Cf. also what looks like a recognition in favor of Evreux cathedral in Round, No. 299.

The use of local "jure" in Henry II.'s time is also seen in the detailed returns of an inquest on the manors of La Trinité de Caen preserved in MS. Lat. 5650 of the Bibliothèque Nationale, f. 41 ff. (Round, No. 430).

³ Stubbs, *Select Charters*, 138.

⁴ Robert de Torigni, ed. Delisle, II. 180; Howlett, *Chronicles of Stephen*, IV. 327. Cf. Stubbs, *Constitutional History* (6th ed.), I. 497; Pollock and Maitland (2d ed.), I. 151.

tions in a suit between laymen, the matter being determined by the oath of lawful men. The record of the case, which comes from the archives of Mont-Saint-Michel, relates how when the priest of Mesnil-Drey and his nephew, desiring to enter the monastery, sought to convey to the abbot the parish church which they held in alms, the bishop of Coutances answered that Raoul de la Mouche, temporal lord of the village, claimed the rights of presentation. A date was set for the appearance of the lord before the bishop in support of his claim, but in the meantime a certain Osmond, who held one-third of the village, including the land on which the church stood, brought suit against Raoul in the king's court at Gavray for two sheaves of tithes which had been collected from the remaining two-thirds of the village, and "proved by the oath of lawful men his right of presenting the priest and having the two sheaves as his ancestors had always had them."¹ More significant in relation to the history of the jury is the ninth of the constitutions of Clarendon, which provides that in a dispute between an ecclesiastic and a layman whether a piece of land be lay fee or alms the question shall be decided by the oath of twelve lawful men in the presence of the king's justice. This class of disputes would seem, so far as our present knowledge goes, to have been "the first to be submitted to a jury as a matter of common practice"² in England, and the method here employed, the assize *utrum*, appears thus as the oldest of the English assizes. Now whether this method of procedure was one of Henry's innovations or was really, as he claimed, one of the ancient customs of the English realm,³ it was probably in use in Normandy at least two years before the constitutions of Clarendon were drawn up. Proof of this is contained in a charter of Henry II. for the monastery of St. Evroul confirming a decision of the king's court which is hardly later than 1162 and may well be earlier.⁴ This document recites that

¹ Osmond afterward surrendered his right to the bishop. No. 49 of the entries cited above; Robert de Torigni, ed. Delisle, II. 259; ed. Howlett, IV. 344. This case is overlooked by Böhmer, *Kirche und Staat in England und in der Normandie*, 320, note 4, who concludes from No. 41 of this collection that questions of patronage were decided in the ecclesiastical courts.

² Pollock and Maitland (2d ed.), I. 144.

³ For an account of a case in Stephen's time see *Gesta Abbatum Sancti Albani*, I. 114; and cf. Pollock and Maitland (2d ed.), I. 145, 246.

⁴ The King's charter cannot be earlier than the election of Abbot Robert in 1159 or later than Henry's departure for England at the beginning of 1163, Rotrou, bishop of Evreux, having been transferred to Rouen before the King's return. As the recognition was held on St. Cecilia's day (November 16), it cannot be later than 1162, and an earlier year is altogether likely from the fact that the repeated offenses alleged by the monks against Robert and his wife subsequent to the decision could hardly have occurred in the brief interval between November 16 and the King's arrival at Barfleur in December, 1162 (Eyton, *Itinerary*, 58). See further note below, p. 640.

the church of St. Pierre at Le Sap and its appurtenances having been claimed by Robert Fitz-Roy,¹ the King's uncle, and his wife Matilda as part of their lay fee, this church, together with the chapel of St. Martin and the tithes, men, lands, appurtenances, and other possessions of the church, had been adjudged to the abbot and monks of St. Evroul as alms of the monastery by twelve lawful knights and other men of the vicinage of Le Sap, at Rouen on St. Cecilia's day, in the presence of Rotrou, bishop of Evreux, then the king's justice for all Normandy.² It is impossible to say whether the procedure here employed was common or regular at this time in Normandy,³ but it is directly in line with that prescribed in 1164, and even the wording of the document is in close accord with the writ *utrum* as preserved by Glanvill.⁴ It is not, of course, legitimate

¹ Son of Henry I., but not to be confused with Robert, earl of Gloucester, who died in 1147. See Eyton, *Itinerary*, 18; Round, *Geoffrey de Mandeville*, 94, 434; and *Calendar*, 274, note; *Red Book of the Exchequer*, passim.

² Henricus, Dei gracia rex Anglorum, dux Normannorum et Aquitanie, et comes Andegavie, archiepiscopis, episcopis, abbatibus, comitibus, vicecomitibus, baronibus, iusticiariis, baillivis, ministris, et omnibus fidelibus suis, salutem et pacem. Noverit universitas vestra quod cum ecclesia Sancti Petri de Sappo *cum* (omitted in MS.) capella sancti Martini, decimis et hominibus et terris et aliis pertinenciis suis, et plenis atque integris decimis molendini eiusdem ville quod est apud Novillam et prepositure et omnium reddituum et emendationum atque augmentationum que sunt modo vel esse poterint futuris temporibus in villa de Sappo et pertinenciis suis quantum durat parochia Sancti Petri, recognita fuissent Roberto abbati et monachis Sancti Ebrulfi, et decima furni eiusdem ville, si tum dicti abbas et monachi cassare nec vellent in elemosynam sui monasterii per duodecim legales milites et alios homines de visneto Sappi versus Robertum filium regis, avunculum meum, et Matildem uxorem suam, qui supradicta omnia ad suum laicum feodum pertinere clamabant, die festo Sancte Cecilie apud Rothomagum coram Rotrodo Ebroicensi episcopo tunc temporis justiciam meam per totam Normanniam exercente; et super hiis omnibus memorati abbas et monachi a iamdictis Roberto et Matilde postea multociens iniuste vexati fuissent et turbati; me tandem, per Dei gratiam et auxilium opemque multorum prudentum et religiosorum virorum, inter eos fecisse concordiam in hunc modum: Quod supradicta omnia que in hac presenti carta mea continentur de cetero in perpetuum in puram liberam et quietam elemosynam remanebunt abbacie Sancti Ebrulfi. Et quia tunc temporis proprium sigillum non habebant, ad eorum petitionem et instanciam presenti carta mea et sigilli mei munimine concordiam istam confirmavi abbati et monachis Sancti Ebrulfi contra omnem calumpniam et reclamationem predictorum Roberti et Matildis uxoris sue valituram. Et pro hac concessione et concordia firmiter observanda et tenenda habuerunt sepedicti Robertus et Matildis in presencia mea duos palefridos valentes viginti libras Andegavensium de bonis abbacie Sancti Ebrulfi. Quare volo et firmiter precipio ut hec concordia et pax ita firmiter et sine dolo ab utraque parte in perpetuum illesa conservetur et integra. Teste me ipso, Rotrodo Ebroicensi et Arnulfo Lexoviensi episcopis apud Rothomagum. *Cartulaire de S. Evroul*, Bibliothèque Nationale, MS. Lat. 11055, f. 27v., copied for me by the kindness of M. Armand du Retail; Round, No. 641. The text in the cartulary is evidently somewhat corrupt.

³ It will be observed that the jury in this case appears not only to decide the preliminary question of lay fee or alms, but to adjudge to the monastery the rights in dispute. On the later Norman *Breve de feudo et elemosina* see the *Grand Coutumier*, c. 115 (ed. Tardif, II. 295); Brunner, *Schwurgerichte*, 324 ff.

⁴ Glanvill, xiii. 24.

to conclude that this and related provisions of the constitutions of Clarendon were necessarily direct and recent importations from Normandy, but it is certainly significant that in the case of each of the three sections of the constitutions with which the sworn inquest stands in close connection—those touching advowsons, the presentment of criminals, and the question of tenure in alms—clearer and more definite evidence has been found in Normandy than has yet appeared in England.

So far as the present study has gone, it has not furnished an answer to the question whether priority in the matter of the regular employment of the jury belongs to Normandy or to England. As Bigelow has pointed out,¹ the problem relates, not to the principle of the recognition, where the priority of Normandy is no longer disputed, but to the particular form which that principle took on the two sides of the Channel. Bigelow, however, formulates the issue too narrowly when he confines it to the question whether “the particular fixed recognitions of Glanvill were first put into form and use in Normandy.” The regular application of the sworn inquest to any particular class of cases constitutes the real turning-point, whether this came about by gradual development or by a specific act of the sovereign power. So far as any such particular act establishing the recognition is concerned, the results of our investigations in Normandy have been negative: evidence has not been found sufficient to prove the promulgation of any general assize; everything is specific or local. From the general inquest at Bayeux under Henry I. to the time of the constitutions of Clarendon there is no sign of a break in the development; the twelve men who determined the rights of the monks of St. Evroul under Henry II. do not appear in a different capacity from the twelve who swore to the verdict concerning the fiefs and services of the bishop of Bayeux in 1133. At the same time, our examination of the documents accessible at Bayeux and elsewhere goes to show that under Geoffrey as well as in the early years of Henry II. the recognition was in more common use than has generally been supposed. It has a variety of applications—to the rights of the sovereign, the excesses of his foresters, the competence of champions, the demesne and fiefs of the churches, the possessions of monasteries, the question of lay fee or alms. It is employed frequently and is a well-defined and well-understood form of procedure, so that the duke’s justices can speak of calling “more jurors than was their habit.”² It is even prescribed for all questions of tenure between a bishop and his men. If it is

¹ *History of Procedure*, 186.

² *Livre Noir*, No. 43.

not yet a right that can be claimed by all, it is at least a regular method of trial as early as Geoffrey's time ; and it may well be that its extension came about gradually through steadily increasing use rather than by any positive enactment. Such a view of the development of the jury, should it prove correct, would compel some modification in the current opinion as to the extent of the innovations of Henry II. in this direction, just as recent studies have tended to diminish his reputation for originality in other fields. However, definite conclusions on this point, as well as on the priority of England or of Normandy in the regular introduction of the recognition, can only be reached, if at all, by a searching examination of the documentary evidence in the rest of Normandy and in England ; the present discussion is primarily concerned with the material from Bayeux and with the questions to which that gives rise.

That the procedure by recognition in cases concerning tenure was deeply rooted in the legal practice of Normandy for some time before 1164 is also apparent from the use made of it in other courts than those of the duke. Here again the evidence is found in certain documents from Bayeux. In one of these Bishop Philip appears as intervening in a controversy over the limits of certain lands held in alms, in order to secure the consent of the parties to its submission to the verdict of the country-side. "There was a dispute between the canons of Bayeux and Luke, son of Hervé, priest of Douvres, as to what pertained to the alms of the church of Douvres and what to the fief of Luke." After much discussion it was agreed to submit the question to ten men, chosen with the consent of the parties from the assembled parishioners, "in whose oath the truth of the matter should rest." Standing before the parish church, this jury declared upon oath the lands which belonged to the alms of the church ; and when Luke afterward sought to occupy some of the property of the canons, the jurors were called together at Bayeux and again recognized the alms of the church, which the bishop enumerates in his charter.¹ The proceedings in this case, though not held in accordance with a ducal writ, show all the essential elements of the recognition—the promissory oath, the free decision, the verdict rendered by chosen men of the vici-

¹ *Erat igitur contentio inter canonicos Baiocenses et Lucam, filium Hervei sacerdotis de Dovra, quid ad elemosinam ecclesie de Dovra et quid ad feodum ipsius Luce pertineret. Que controversia, cum diu multumque ventilata agigaretur, hunc demum in presentia nostra et parrochianorum de Dovra ante ipsius ville ecclesiam per nos finem sortita est. . . . Vocatis igitur ipsius ville parrochianis utriusque partis assensu electi sunt decem solum (whose names follow) . . . in quorum iuramento rei veritas consisteret. Facto igitur prius iuramento has terras de elemosina ecclesie esse dixerunt . . . *Livre Noir*, No. 63. The charter is undated, and more definite dates cannot be assigned than the limits of Philip's episcopate, 1142-1163.*

nage; and if we remember that the jury, in the narrower sense, as distinguished from the assize, "has its roots in the fertile ground of consent" and "only comes in after both parties have consented to accept its verdict,"¹ the importance of this early example of such a voluntary agreement is at once evident. In the other cases the account of the procedure is not so specific, but points to the use of the recognition, or something very like it, in connection with the bishop's jurisdiction. In one of these instances a verdict is mentioned incidentally in documents of the year 1153 relating to a prebend created by the bishop out of various elements, among them the land in Le Val de Port, in the territory of Escures, held by Alexander, son of Téold, which Bishop Philip caused to be recognized in his presence by the oaths of lawful men of the said Val as belonging to the demesne of the bishop of Bayeux.² Another record is earlier, from the time of Bishop Richard of Kent, in the form of a notice witnessed by the bishop and several others, knights as well as clerks, to the effect that four men of Hérils, who are named, have recognized in the presence of the bishop and chapter of Bayeux that the land which Gosselin, succentor of the cathedral, holds at Hérils and the church of the village were given to Gosselin in alms and have always been held by him under such tenure.³ It might be maintained that these four men of Hérils were party witnesses rather than recognitors, but the language of the document renders it far more likely that they were giving an independent verdict on behalf of the community. It is also possible that in these cases the men were questioned individually, as in the canonical procedure⁴ and the later French *enquêtes*, but there is no indication of such an examination, and the use of the words *recognoscere* and *recognitio* points rather to a collective verdict.⁵ In a still earlier case, likewise decided before the bishop and chapter, the un-

¹ Pollock and Maitland (2d ed.), I. 149.

² Terra quam tenuit Alexander, filius Theoldi, in Valle Portus in territorio de Escures, quam videlicet Philippus, noster episcopus, fecit recognosci esse de dominico Baiocensis episcopi per sacramenta legalium hominum predictae Vallis. Charter of the chapter of Bayeux, May 8, 1153, *Livre Noir*, No. 149. No. 148 is a charter of the bishop to the same effect.

³ Notum sit omnibus tam presentibus quam futuris quod homines de Heriz, et nominati isti . . . recognoverunt coram Ricardo, Roberti comitis Gloecestrie filio, Baiocensi episcopo, et coram eiusdem ecclesie capitulo terram quam Goscelinus, Baiocensis ecclesie succentor, tenet apud Heriz cum ecclesia eiusdem ville eidem Goscelino in elemosina datam fuisse et eundem sic semper tenuisse. Huius autem recognitionis testes sunt isti : . . . *Livre Noir*, No. 102. Richard was bishop from 1135 to 1142.

⁴ For an example of this from the year 1164 see *Livre Noir*, No. 49.

⁵ Of course *recognoscere* has other meanings, being applied to the certification of a charter, the confession of a criminal, or the admission of another's rights on the part of a claimant, but none of these senses seems to fit the passage in question, where the idea of a formal declaration of fact by a body of men seems clearly implied.

certainty is greater, as nothing is said of the residence of the ancient men who are mentioned or of the capacity in which they appear. Still the matters in controversy, the rights and revenues of the chancellor of the cathedral, are "recognized by the attestation of ancient men" as belonging to the chancellor through the act of Bishop Odo and the continuous possession of former incumbents—just such a question as would naturally be submitted to a sworn verdict.¹ If such was the procedure employed in this case, it has a special interest as belonging to the pontificate of Richard Fitz-Samson and thus falling within the reign of Henry I. How such tribunals came to decide cases of this sort and to employ this form of procedure are questions that cannot be answered until some one has given us a careful study of the Norman ecclesiastical jurisdictions. Indeed, the whole subject of the workings of the ecclesiastical courts in Normandy and elsewhere in the eleventh and twelfth centuries is an important field of investigation and ought to prove fruitful for the history of the transmission of the Frankish *inquisitio* to later times.

Some measure of the progress made in Normandy by the middle of the twelfth century in the development of the recognition, in respect to definiteness of form as well as frequency of employment, may be got by examining the use made of the sworn inquest in the neighboring county of Anjou under Geoffrey Plantagenet and his father Fulc.² Although the older methods of trial find abundant illustration in Angevin charters, one is at once struck with the rare appearance of anything resembling the Norman inquests. The

¹ Ceterum, dilecte nobis frater Anulphe, cancellarie ecclesie nostre, cum de hiis que ad ius personatus tui pertinent in capitulo coram Ricardo episcopo et fratribus ageretur, antiquorum virorum et eiusdem episcopi attestazione recognitum est ea que hic subnotata sunt ex institutione Odonis episcopi et tuorum antecessorum continua possessione ad ius personatus tui iure perpetuo pertinere. . . . Hec autem omnia in capitulo nostro coram Ricardo episcopo, Sansonis filio, et nobis recognita sunt et postmodum coram successore eius altero Ricardo publica attestazione firmata. Chevalier, *Ordinaire de l'Église Cathédrale de Bayeux* (Paris, 1902), 419, No. 51. The document is in the shape of a letter from the dean and chapter to the chancellor, and is thus less formal than a charter. The mention of the attestation of the bishop along with that of the ancient men might appear to contradict the view that a sworn inquest was held, but the last sentence makes it plain that the attestation spoken of is that of the subsequent bishop, Richard of Kent, while the facts had been recognized under Richard Fitz-Samson.

² On the courts of Anjou see particularly Beautemps-Beaupré, *Recherches sur les Juridictions de l'Anjou et du Maine pendant la Période Féodale*, Paris, 1890 ff., forming the second part of his *Coutumes et Institutions de l'Anjou et du Maine*. This elaborate work deals mainly with the later period. The account of Angevin law during the feudal period which the author planned was left unfinished at his death; cf. D'Espinay, *Le Droit de l'Anjou avant les Coutumes d'après les Notes de M. Beautemps-Beaupré* (Angers, 1901). For the judicial institutions of the eleventh century there is a useful study by Halphen in the *Revue Historique* (1901), LXXVII. 279-307. None of these writers discusses the sworn inquest.

less complete development of the administrative system in Anjou, and the fact that in this period the count generally presided in person in his court may serve to explain the absence of such writs as are found in Normandy; but any mention of inquests is rare, and in such accounts as we have they are hard to distinguish from other forms of procedure, to which they sometimes seem only accessory. The cases, too, in which anything like the sworn inquest is applied are fiscal, concerning the count's forests, his rights of justice, or his feudal dues. Thus in a controversy between his foresters and the monks of St. Aubin Geoffrey calls together his foresters and *segrayers* of the district and adjures "those who had been brought up from infancy in the aforesaid forest and knew the facts well" to declare faithfully and impartially the ancient custom of the forest, neither relinquishing the count's right to the monks nor assigning the monks' right to him.¹ In another case where the matter in dispute concerned the count's right of *fodrium* on a piece of land belonging to the abbey of St. Serge, Geoffrey referred the matter to his seneschal, who ordered the local seneschal to take vavasors of the town with him upon the land and render a just judgment; but the question was finally determined by the oath of a witness produced by the monks.² Sometimes we find the count selecting men to render a verdict on the matter at issue in a way that suggests a jury of arbitration, as in a case from Fulc's reign touching the count's rights of justice on certain lands. The owner of the land finds seventy-three good men of Angers that know the truth of the matter and gives the count their names; when they have all appeared in court, Fulc selects twelve, who are ordered to swear that they will not conceal the truth for love or hatred.³ In other cases, however, it does not appear that the arbiters were necessarily neighbors or had any special knowledge of the facts, so that they would seem to have acted as representing the court rather than the country-side.⁴ On the whole, while these scanty instances from Anjou show that the verdict of neighbors was occasionally sought

¹ May 29, 1129. Bertrand de Broussillon, *Cartulaire de l'Abbaye de Saint-Aubin d'Angers*, II. 408, No. 982; *Bibliothèque de l'École des Chartes*, XXXVI. 426, No. 28. Cf. Beautemps-Beaupré, I. 131, note, 143, note. For a similar case at Vendôme see Du Cange, *Glossarium*, under 3. *Secretarius* (ed. Favre, VII. 387).

² Bibliothèque Nationale, MS. Lat. 5446, f. 295, No. 403 (Gaignières's copies from the cartulary of St. Serge). Cf. Beautemps-Beaupré, I. 203, note, where the date is fixed between March 31, 1150, and September 7, 1151. For a somewhat later case of declaration of custom, involving the right to levy *procuratio*, see Chevalier, *Cartulaire de l'Abbaye de Noyers* (Tours, 1872), 651, No. 615.

³ Beautemps-Beaupré, I. 117, note G.

⁴ For instances of this sort see Marchegay, *Archives d'Anjou*, I. 409, No. 66; III. 66, No. 87 (cf. Beautemps-Beaupré, I. 88, 117, 141); Beautemps-Beaupré, I. 116, note B, 136, note B.

in fiscal matters and that a sort of jury of arbitration might sometimes be called by the count, there is nothing to indicate that such modes of procedure were common, clearly defined, or well understood. Compared with such rudimentary institutions as these, it is evident that the Norman recognitions of the same period represent an advanced stage in the evolution of the jury.¹

CHARLES H. HASKINS.

¹ Further investigation indicates that too positive a statement has been made in regard to the latest limit of date for the charter which mentions an assize *utrum* in favor of St. Evroul, printed above on p. 634. The question turns largely upon the exact date of the translation of Rotrou from the see of Evreux to that of Rouen, variously given as 1164 and 1165 (*Gallia Christiana*, XI. 48, 577). It is clear that Hugh, archbishop of Rouen, died November 10 or 11, 1164 (Delisle, *Robert de Torigni*, I. 354, note 3), and that his successor was in office early in the following summer (*Materials for the History of Thomas Becket*, V. 194), but the chroniclers do not indicate clearly the date of Rotrou's election. It is accordingly possible that the charter was issued when Henry II. was at Rouen in or about April, 1165 (*ibid.*; Eyton, 78), and that the assize belongs to the previous November; but it is altogether likely that Rotrou was at least archbishop-elect by April and that a longer interval elapsed between the assize and the charter, so that the date assigned on p. 633 still appears probable. On the suspicious phrase "Teste me ipso" in this and other charters for St. Evroul cf. Round, *Calendar*, 224, note.

SOME FRENCH COMMUNES, IN THE LIGHT OF THEIR CHARTERS

THE communal charters have long been a source of trouble to students of the towns of medieval France. They have been regarded in different ways by successive generations, but the general decision has been that they cannot be fully understood: that however plain many details and some larger points may be, on the whole they are deformed, disordered enumerations, where the most diverse subjects are begun but not completed, and where obscurities, omissions, and sometimes contradictions abound. Since even such careful and experienced scholars as Monsieur Giry and Monsieur Luchaire have taken this view,¹ it may seem unreasonable to attempt to bring any new light to the subject, at least without new material. Nevertheless, by the aid of what others have done and with some change of method, I have ventured to try again to read these documents as they seemed to the men who gave and received them. And if I have succeeded better than those before me, it would appear not only that we shall have to modify present opinion in regard to the form and content of at least many of the charters, but also that by looking at the communes through glasses thus readjusted we may get a little clearer view of such associations, especially as to their early aims and business. The charters, far from being unordered collections of numerous unexplained matters, are, oftentimes at all events, logically arranged and intelligible solutions of a few problems in local conditions; and the communes, in many instances at least, had as their main function to aid in the maintenance of law and order—yet acted, be it added, not exactly as a public institution, as a modern town government, but rather as a private corporation, devoted less to the town as such than to the personal interests of its members. The foundation for these conclusions may be seen in a rather full analysis of the charter to the commune of Beauvais and in shorter analyses chiefly of the concessions to men of Soissons, Laon, Amiens, and Noyon.²

The common folk living at Beauvais in the eleventh and twelfth centuries doubtless had much to complain of at the hands of the

¹ See Luchaire, *Les Communes Françaises*, 135; also Giry and Réville, in Lavissee and Rambaud, *Histoire Générale*, II. 442.

² At another time I purpose to deal with some of the communes not treated in this study.

nobles and lords of the town. Upon some matters, it would appear, they were in so serious plight that radical steps to secure redress seemed necessary. It must have been in connection with such steps that the commune they had among them sought and obtained its charter,¹ a document evidently designed to be a written record of arrangements to secure better conditions. It took the form of a series of short statements on numerous specific points; and when these statements are read one after the other as so many settlements of questions at issue, they seem often enough to have little or no coherence. Back of them, however, in the minds of the persons who were giving and receiving them, it appears there were a few general and controlling purposes, a few inclusive questions about which the shorter settlements grouped themselves in a natural and logical manner; so that the charter, when read with this in view, becomes quite coherent and orderly.

Apparently the foremost of such questions among the men of Beauvais was how to have protection against violations of the law, how to secure better conditions with reference to crimes; for the greater part of the charter — Articles one to fourteen² — is concerned with this subject. And in the field of crimes, apparently the chief desire was to be free from acts of violence; for the first provisions³ of the charter are evidently devoted to measures against such troubles. Doubtless the burghers had often been maltreated and had gotten no justice for it; but henceforth, "All *homines*, in the town and in the suburb, on whosoever land they live, will swear the commune," unless excused,⁴ and they will all aid each

¹ I have used the texts in Labande, *Histoire de Beauvais* (Paris, 1892), *Pièces Justificatives*, VIII. and IX.

² In all there are seventeen articles in the confirmation by Louis VII. and twenty-one in that by Philip Augustus.

³ Articles 1-6.

⁴ Articles 1 and 2: *Universi homines, infra murum civitatis et in suburbio commorantes, in cujuscumque terra mancant, communiam jurabunt; nisi forte ex consilio parium et eorum qui consilium juraverint, aliqui remanserint.*

Alter etiam alteri, infra firmitates ipsius ville, recte secundum suam opinionem, auxiliabitur.

It is customary to interpret these statements as more or less separate from each other, — one prescribing who should be members of the commune, the other that there should be solidarity among them, — and certainly as having no more special relation to the next articles than to others at the middle or end of the charter. I take it, however, that although what each of them says may be taken as in and of itself true, as a matter of fact they were both written here with special reference to the provisions immediately following in regard to redress against injuries: *Et quicumque forifecerit homini qui hanc communiam juraverit, etc.* One support for this interpretation is the connection in which the statement about aiding each other appears in the charter to the commune of Soissons: *Infra firmitates civitatis Suessionensis, alter alteri recte secundum suam opinionem auxiliabitur et nullatenus patietur quod aliquis alicui eorum aliquid auferat, vel ei talliatam faciat, etc.* (Charter of Soissons, Art. 1. In Labande, p. 272.) In this instance the two points are brought together in the same sentence.

other according to their best judgment, within the town walls. And if any of them suffer harm and can not secure justice by the regular channels, the officers of the commune will take justice upon the body and goods of the offender, unless he should give compensation for his misdeeds.¹ If the offender find a place of refuge, the officers of the commune will demand satisfaction from the master of the refuge, and if he should refuse they will take it upon his goods and his men.²

Oftentimes, when it was not an inhabitant of the place, merchants who came on business to Beauvais were the sufferers; and harm to them meant, of course, more or less directly, harm to the burghers. In such cases, if the merchant brought complaint to the peers, or later to the mayor and peers — presumably because he could not get justice elsewhere — these officers “might give him aid if he could find his wrong-doer in the city.”³ Clearly, the regular seignorial officers either could not or would not maintain the peace.

Furthermore, it seemed to be a special grievance that persons who had thus injured the burghers or merchants were able to find places of refuge; and more particularly, that such persons were protected on occasion by the bishop, high lord of Beauvais. Hence, no doubt, the charter made it a special point to say in this connection that no one but the king or his dapifer might take a man back into the city if he had done some injury to a communer, unless he came to pay for his misdeed according to the judgment of the peers. Only, if the bishop happened to bring back such a one unknowingly, and it was shown to him, very well for that once; but he should never take him into the city again, save by the consent of the peers.⁴

But such acts of violence and the protection often accorded those who committed them were not the only injuries the burghers of Beauvais objected to. Their lords frequently imposed unlawful dues; especially, the bishop did this. So it must have been that the next articles of the charter provided a remedy for such ills.

¹ Art. 3: Et quicunque forifecerit homini qui hanc communiam juraverit, pares communie, si clamor ad eos inde venerit, de corpore suo vel de rebus suis justiciam facient, secundum deliberationem ipsorum, nisi forisfactum, secundum eorum deliberacionem, emendaverit. My interpretation of the clause *si clamor ad eos inde venerit* — “and cannot secure justice by the regular channels” — may be questioned; but in view of points which I hope to set forth in a study upon the justice of the commune at Beauvais, it seems to me correct.

² Art. 4.

³ Art. 5. Also, in the same article: et si malefactor ille ad aliquod ierit receptaculum, et mercator vel pares ad illum miserint, si ille mercatori satisfecerit, vel probare poterit se forisfactum non fecisse, satis fuerit communie. Si vero neutrum fecerit, vindicta fiet de eo, secundum deliberationem parium, si intra villam capi poterit.

⁴ Art. 6. This article is usually treated as not especially connected with those before it.

There should be but two millers in each mill ; and if any one put in more than two, or established other bad customs in the mills, and complaint should be brought to the peers — presumably because justice was not to be had by taking the matter elsewhere — the peers might aid the complainant as they thought best.¹ Also, in case the bishop wished to attend the king's three courts, he might take each time three horses ; and they should be had from the folk of the town, not from outlanders. That much was probably a statement of the usual rule ; the real point of the burghers was stated next : but, if either the bishop himself or one of his servants should receive from a man redemption money instead of his horse, he must then take no other horse in place of the one redeemed. If he attempted it, and complaint was made to the peers, they might give aid as they saw fit. Also, any time the bishop wished to send the king fish he might take one horse.²

It will be seen that the chief means of redress sanctioned by these various provisions was force ; private war, the common practice of the noble, was to be, by law now as it had been by fact, the ultimate resource also of the not-noble. Yet it would be difficult to compel all the burghers always to support the commune in such measures. Some were likely to have business relations with those whom others were complaining about, or might be dependent upon them for their holding. Or possibly such reasons as enmity against the complainant, or opportunity to curry favor, or fear to oppose so important a person as the bishop might make some members well disposed toward one against whom the peers were proceeding. It must have seemed desirable, then, to have some special guarantees of communal efficiency at such times. Hence the next provisions of the charter : No man of the commune shall give or lend of his property to the enemies of the commune while it is at war ; for if he does so, he will be a perjurer. If he should be proved to have done so, justice shall be taken upon him according to the opinion of the peers. And whenever the commune goes out of the town against its enemies, no member shall speak with those enemies save by permission of the peers.³

Again, the burghers suffered injuries in still other ways : those to whom they had made loans refused to pay them back ; often enough their goods were stolen ; and there were troubles apparently because of the advantage some communers took over others by

¹ Art. 7.

² Arts. 8 and 9.

³ Arts. 10, 11. It has been customary to look upon these articles as having no special connection either with those preceding or those following them. They seem to me, however, to be related to those before them in the manner here indicated, and so to form an integral part of this first division of the charter.

hanging the cloth they had for sale on higher stakes. So redress for such cases also must be provided; with certain restrictions the commune should come to the rescue. In addition, the charter says here, if a member of the commune should make a loan to one of the city and that person should go away to some place of refuge, the master of the refuge, when he has heard complaint thereof, shall either return the lost property or drive the debtor from his premises; if he should refuse to do either, let justice be taken upon his men, if they should be found, as the peers may see fit.¹ Furthermore, the comuners had better put their goods under some trustworthy guard within the city, because if they should be stolen from them outside the suburbs the commune will not be responsible, unless the thief should be found inside the city.² Also, the stakes for the display of cloth should be of equal height; and then, if a townsman should make complaint, amends will be given according to the opinion of the peers.³

So far the Beauvais charter has dealt with acts of violence, unlawful demands of seigneurs, and stealing; in short, with crimes. It is concerned next with matters of a civil order, with rules or safeguards relating to property and business. "Moreover," these rules begin, "let every member of the commune be careful in lending to an outlander, let him be secure" — that is, no doubt, he should require his debtor to furnish security in the city — "for in this matter [of loans] no one may be seized save the debtor or his bondsman."⁴ At this point three new provisions were inserted in the

¹ Art. 12. [At beginning of next note read: Art. 13 of charter of 1144.]

² *Homines equidem communie nutrimentum suum intra leugam civitatis ad participationem fideli committant custodie, quia si eis extra leugam auferatur, non respondebit eis inde communia, nisi malefactor infra civitatem fuerit inventus.* This clearly is a provision in regard to stealing. It is usual to say that it is not in the charter of 1182 and that Article 13 of the charter of 1182 is not the one of 1144 (Cf. Guizot, *History of Civilization*, Bohn ed., III. 414; Labande, *Histoire de Beauvais*, 90). It seems, however, that the corresponding part of the charter of Philip Augustus, that is, its Article 13, also deals with the subject of stealing. Only it omits the old injunction about a place of safeguard — there was probably no reason in the circumstances of 1182 to repeat such an injunction — and rather prescribes definitely what might be done in actual cases of stealing, just as the previous article had prescribed what might be done in cases of refusal to pay back loans. "Item," it runs, "*quicumque pecuniam alicujus hominis de communia auferet et ad aliquod receptaculum perrexerit, si inde clamor ad majorem et pares venerit, de illo, si invenire poterit, et de hominibus et rebus [domini] receptaculi, justitia fiet, secundum deliberationem majoris et parium, nisi pecunia reddatur.*"

³ Art. 14. The corresponding provision in the charter of 1182 is longer, but beyond speaking of the mayor in connection with the peers and treating the matter more explicitly there is no change: *Ad extensionem quoque pannorum penditoria equali altitudine in terra affigi debent; et quicumque de penditoriis vel de pannificio vel de rebus pannificio appendentibus forifacium fecerit, si inde clamor ad majorem et pares venerit, justitia fiet, secundum deliberationem majoris et parium.*

⁴ Art. 15.

confirmation of Philip Augustus in 1182, of which two continue with the civil matters. Having prescribed caution in regard to security for loans and restriction upon the action of the commune in respect to them, the King specifies a certain limitation upon the action of the comuners with reference, it would seem from the connection, to civil suits: "Besides, no comuner, nor the commune as a whole, will go outside of the town to plead on any [such] case."¹ The second of the new civil provisions tells what shall be done, probably in cases involving anew that law of prescription in which the commune had been especially interested in its earlier years:² "If a comuner should buy an inheritance and hold it for a year and a day and build upon it, and then another should claim it, no reply shall be made to him, and the buyer shall remain in peace."³

It was hardly possible, as human affairs go, that the commune should have from the beginning a perfect constitution, or that its relations with outsiders should need no defining. Difficulties must arise in regard to its organization or its internal and external relations, and if they were not removed the efficiency of the society would be lessened. So, after treating of criminal and civil matters and of the rôle of the commune in regard to them, the charter goes on, as if in a third division, to give some rules about the officers of the association and their rights and duties; about the royal support as a basis of communal authority; and finally, possibly one should say in a fourth division, about certain communal rights as regards relations with the king. The third of the new provisions added here by Philip Augustus declared that thirteen peers shall be chosen in the commune, among whom, if the peers and counselors should so advise, one or two shall be made mayors.⁴ Probably by that time there had been trouble among the peers, and thus it became necessary to provide for undivided leadership. At all events, if this addition about what officers the commune should have was to be made, it was quite proper that it should be inserted before a provision in the old charter which assumed the existence of such officers: "The peers shall swear that they will put no one out of the commune on account of friendship and injure no one on account of enmity, and that they will deliberate justly in all cases according to their light. Also, all others [who may be members of the commune]

¹ Charter of 1182, Art. 16. A similar article appears in the charter to the commune of Amiens, and in connection with the civil provisions (see below, p. 652, in note 2): *De possessionibus ad urbem pertinentibus, extra urbem nullus causam facere presumat* (Article 34); edition in Giry, *Documents sur les Relations de la Royauté avec les Villes en France*.

² Cf. Labande, 55-57; but see charter of Amiens, Art. 25.

³ Charter of 1182, Art. 17.

⁴ Charter of 1182, Art. 18.

will swear that they will observe and support the decisions of the peers."¹ Then follows the assurance of the king's support, without which the commune could hardly hope to be effective: What shall be done through the peers in deliberation and securing justice, we concede and confirm.²

Finally, as to relations with outsiders, this charter speaks only of rights of the commune in its dealings with the king, and that in an addition at the end of the confirmation of Philip Augustus: We grant that the present charter shall for no cause be carried outside the city. And if any one should will to speak against it, no response shall ever be made to him.³ Just what is meant appears more clearly in the corresponding assurance given by King Philip to the commune of Soissons the year before: In case the king received some injury from a communer he would seek justice in the bishop's court, through the communal officers; he would not compel those officers to plead or show the charter outside the town.⁴

Thus, if we have read this Beauvais charter as it was understood in the twelfth century, it made provision first, in Articles one to fourteen, for the maintenance of law and order; second, in the articles immediately following, for certain civil matters; third, for a number of difficulties about the constitution and internal affairs of the commune; and finally, in the last article of the confirmation by Philip Augustus in 1182, for the rights of the commune in certain relations with a power of the place, the king of France. And when changes were made at the time of Philip's confirmation, they were all perfectly logical; here and there the language was clarified,⁵ the mayor was always spoken of in connection with the peers, the general advice given in Article 13 about security against stealing was replaced by a specific prescription as to what could be done if thefts were actually committed,⁶ and when whole new provisions were added they were inserted at natural and proper places. In general, this Beauvais muniment seems to be far more orderly and intelligible than we moderns have thought.

Moreover, an orderly arrangement like that just observed is characteristic also of the charters of other French communes. This may be seen first in the charters most closely related to that for Beauvais; like those to Soissons, Senlis, Compiègne, Sens, and Dijon, which in several places are nearly or quite the same as the Beauvais document.

¹ Charter of 1144, Art. 16; of 1182, Art. 19.

² Charter of 1144, Art. 17; of 1182, Art. 20.

³ Art. 21.

⁴ Charter of Soissons, Art. 20.

⁵ As in Arts. 14 and 19.

⁶ See n. 2, p. 645.

The provisions of the charter for Soissons have not exactly the same grouping as those of the charter for Beauvais; nevertheless they are arranged possibly even more logically. In one as in the other the first business is with criminal matters, but in the Soissons charter the crimes dealt with first are those connected with relations between the comuners and their lords; and instead of regulations about the number of millers and the exactions of the bishop in connection with his journeys to the royal courts, as at Beauvais, there were dispositions about loans of bread and meat and fish to the bishop,¹ and about the rights of lords in connection with their powers of justice.² Then come practically the same provisions as in the Beauvais charter in regard to violations of the peace against the interest of the comuners and visiting merchants; they even wind up with the same guarantees against the return of criminals under the protection of the lord of the town.³ Civil matters are treated next;⁴ besides the question of securities for loans to outsiders, there had been trouble over outlanders who came to Soissons with bread and wine. Then follows a series of provisions⁵ concerning the constitution and internal affairs of the commune; they include, quite logically, the usual stipulations about relations between comuners and those with whom the commune was at war, which at Beauvais we found stated, not unnaturally, in connection with the provisions on criminal matters. Finally, at the end of the old charter there was a clause upon the relations between the commune and the powers of the region, the king's act being given with

¹ Art. 1. Evidently tailles had been levied at will and goods had been seized unlawfully in Soissons, but for the future the burghers were to be free from such exactions, save in two cases: the bishop might demand credit from the *homines* of the city for bread, meat, or fish, and also from fish-men from outside. In the first case the credit should be for three months, after which time he must pay or not be trusted again until he did; in the second, the credit should be for fifteen days, and then, if payment was not made, the foreign fish-men might take goods from the comuners, wherever they could, to the value of their loan.

² Arts. 2-6. The loss of property through fines was involved in every case dealt with but one, and in that there was still a loss of property in question, though it came about in another way. The real purpose, it seems, was to determine what practices of the lords in these matters should be considered lawful. In general, fines for criminal acts, with two exceptions, should be at five *solidi*. And more particularly, failure to pay a properly required charge on circulation of goods should be at five *solidi* (Art. 2); no one should delay or cut short a journey on business in order to swear in court, he might be summoned to do that after his return (Art. 3); in complaints brought by the archdeacon the accused should not pay a fine unless there was a witness against whom he could not clear himself (Art. 4); in case a comuner should violate the law concerning marriage outside his seignery, his fine for the profit of the injured lord should be at five *solidi* (Art. 5); and the failure of a *homo capitalis* to pay his cens on the proper day should be at five *solidi* (Art. 6).

³ In Articles 7-10.

⁴ In Articles 11 and 12.

⁵ In Articles 13-19.

reservation of his own rights and those of the bishop and of churches and lords; while in the confirmation by Philip Augustus in 1181 this last clause was preceded by three new provisions.¹ But it seems doubly proper that these additions should be put in at this place, since the first of them continues the subject of the group just before it,² while the second clearly,³ and the third from at least one side⁴ relate to the general subject treated just after.

Many other charters were so much like the one to Soissons that they do not need to be more than barely mentioned here. That to Compiègne was practically the same;⁵ likewise that to Senlis, save in the omission of the provision about mortmain and in the addition at the end of stipulations for payments to the king in return for such a concession;⁶ the charter of Sens⁷ seems to have been copied from that of Soissons; the same may be said also of the grant to Crépy-en-Valois,⁸ of that to the six villages of Vailly, Condé, Chavonnes, Celles, Pargny, and Filain,⁹ of the count of Champagne's concession to Meaux,¹⁰ and also of the charter of Dijon, though this last has besides a long list of additions.¹¹ Then in turn the grants to some of these communes were copied elsewhere, that to Dijon widely.¹² Therefore the conclusion formed concerning the orderly arrangement of the Soissons charter applies also to similar documents for many other places.

By way of charters bearing less of formal resemblance to that of Beauvais or of Soissons, we may notice here those of Laon,¹³

¹ In Art. 20.

² Since the assurance that no one should seize a person in Soissons while the commune wished to do justice upon him would increase the efficiency of the commune.

³ Prescribing that if the king receives injury from a communer he will seek justice in the court of the bishop of Soissons, through the mayor and *jurati*; he will not compel these officers to plead or show the charter outside the said court.

⁴ "No one shall exact mortmain from a member of the commune." In other charters, like that for Laon, where this provision formed part of the original charter, it was classed with the civil regulations; but here, where it was added later, it does not seem out of place between two rules on relations with the powers of the place, since doubtless those who were most conspicuous for exacting mortmain were precisely those powers.

⁵ *Ordonnances des Rois de France de la III^e Race*, XI. 237.

⁶ Flammermont, *Hist. des. Inst. Mun. de Senlis*, Pièces Just., II.

⁷ *Ordonnances*, XI. 262.

⁸ *Ibid.*, XI. 305.

⁹ *Ibid.*, XI. 237.

¹⁰ Cf. Labande, *Hist. de Beauvais*, 99.

¹¹ Garnier, *Chartes de Communes en Bourgogne*, I. 4.

¹² See in Garnier's work.

¹³ Edition in Giry, *Documents*. The charter of Laon has been classed as derived largely from Soissons (Labande, *Beauvais*, 99, 101), but the four articles cited as drawn from it (7, 20, 29 and 30) are hardly of a character to be sufficient proof that they were copied from the Soissons document.

Amiens,¹ and Noyon.² The charter to the commune of Laon, after stating a change of the conditions on which the royal sanction was granted,³ provides arrangements to aid in keeping the peace and punishing crime.⁴ Apparently it had been common for clerics, knights, and alien merchants, when they had been injured by one of the lesser folk, to make reprisals on their own account; so that it was necessary first of all to prescribe that such matters should be dealt with by due process of law.⁵ That done, the charter goes on to tell what should be the due process of law in such cases, first, if the wrong-doer was of the town,⁶ second, if he was from outside.⁷ To provide against protection of the criminal by an interested party, the same rule was laid down as at Beauvais and Soissons.⁸ Also it was essential to provide against crimes that came up when it was not necessarily a case of a communer against a cleric, knight, or merchant.⁹ Then there was a special item against thieving;¹⁰ another about former malefactors, who with certain exceptions were accorded amnesty;¹¹ two items treat of violations of laws concerning dues to seigneurs;¹² and this part of the charter closes with a stipulation relating to the efficiency of the commune in performing its duties in the interests of order.¹³ The second division treats of changing, or at least safeguarding certain regulations of the civil law — all of them relating to property matters.¹⁴ In a third division several matters concerning the communal organization are disposed of.¹⁵ And finally, as a fourth list of troubles, certain relations between the communers and the powers of the town are defined.¹⁶

The charter to men of Amiens deals through twenty¹⁷ of its

¹ *Ibid.*

² In Lefranc, *Histoire de la Ville de Noyon*, 194.

³ It was altogether natural to do this at the beginning, where the king was stating the sanction itself.

⁴ Arts. 2-19.

⁵ Arts. 2, 3.

⁶ Arts. 4, 5.

⁷ Art. 6.

⁸ Art. 7.

⁹ Arts. 8-14. Just what persons are referred to is not altogether clear in every provision, but Art. 14 appears (when compared with later provisions in the charter) to refer to injuries to lesser folk by persons of their class from outside.

¹⁰ Art. 15.

¹¹ Art. 16.

¹² Arts. 17, 18.

¹³ Art. 19, providing for persons who under certain circumstances acted to promote law and order.

¹⁴ Arts. 20-23.

¹⁵ Arts. 24-26.

¹⁶ Arts. 27-33.

¹⁷ Following the usual divisions made by its editors.

customs with the general problem of prevention of crime and maintenance of order. "Every one will be faithful to his fellow and always give him just aid and counsel," it begins, evidently with regard to what follows; for forthwith it prescribes what shall be done with the thief that has been caught within the bounds of the commune;¹ how punishment shall be meted out to him who presumes to "disturb" either persons living within the communal jurisdiction or merchants coming to the city with their wares;² and what shall be done to comuners who seize the possessions of their fellows,³ to non-comuners who seize the possessions of a comuner,⁴ to comuners and non-comuners who do bodily injury to any member of the commune,⁵ and to comuners and non-comuners who insult a member of the commune.⁶ The later customs in this part of the document all appear to be concerned with the problem of guaranteeing the effectiveness of communal action in reference to the crimes prescribed for in its earlier customs: There should be punishment for the comuner who was untrue to his oath;⁷ if the commune or its lords had suffered injury from some persons or their lords, any property of which such persons should be despoiled might be bought or sold by comuners at their pleasure;⁸ the commune was to say what should be done if one of its members took vengeance on his enemy in circumstances which prevented him from getting justice through the commune;⁹ the commune was to proceed summarily with the man who failed to answer the summons of its officers;¹⁰ aiding or communicating with enemies of the commune was forbidden;¹¹ no hired champions were to be admitted against a comuner;¹² any one who knowingly violated the constitution of the commune should have his house destroyed, or at least should be driven from his house unless he rendered satisfaction;¹³ at the same time the commune, presumably in measures to accomplish the ends just specified, should not meddle with the lands or fiefs of the lords;¹⁴ and finally, if any one accused the commune's judges of false action and could not prove his accusation, he should be at the mercy of the king and the mayor and *scabini* for all that he had.¹⁵ In a similar manner this charter lays down, in a second division, certain regulations in regard to civil relations; and in reference to cases in which administration of justice was demanded, the commune's part was in some degree defined, as was in a measure also the part of the king's

¹ Art. 2.⁴ Art. 5.⁷ Art. 12.¹⁰ Art. 15.¹³ Art. 18.² Art. 3.⁵ Arts. 6-9.⁸ Art. 13.¹¹ Art. 16.¹⁴ Art. 19.³ Art. 4.⁶ Arts. 10, 11.⁹ Art. 14.¹² Art. 17.¹⁵ Art. 20.

officers.¹ In a third division this charter deals with various internal difficulties of the commune;² and finally, in a fourth, various additions were made.³

The charter to the comuners of Noyon⁴ is short and exceptionally hard to understand. But when it is approached with the key found in reading some of those that are longer, it appears that ten out of its sixteen customs deal with crimes, including on one hand violations of law in connection with relations with the bishop, lord of the town,⁵ and on the other actions involving violence to persons and property.⁶ Also, the next four customs concern property rights under certain circumstances; and the last two are additions.

¹ Arts. 21-35. To take them in order, it is evident from only reading them that 21 to 26 relate to matters of civil law; so also 27 and 28 (which clearly go together), though in them there is some provision for communal justice. Then, just as the articles on crimes concluded with prescriptions as to communal powers, so here in Articles 29 to 33 it would seem that the object in view was to aid in securing proper justice in civil suits: though the commune's part was in general rather taken for granted than explicitly defined, at least bribery of its judicial officers was provided against (Arts. 29 and 30, which clearly go together), and the mayor was to be appealed to if the provost refused justice (Article 31); and certain procedure was prescribed apparently for the recovery of stolen property and reasonable judicial protection for him who purchased such property from a robber unknowingly (Articles 32 and 33). Finally, it is clear that Articles 34 and 35 are of the civil class. Is it possible that they were inserted some time after the others were written? It would seem that Article 34 contains the same point as the first (number 16) of the articles added to the Beauvais charter when it was confirmed by Philip Augustus in 1182. And Article 35, if it is not an addition, might be expected to be ranged with Articles 21 to 23.

² Arts. 36-45.

³ Arts. 46-52.

⁴ Lefranc, *op. cit.*, 194-196.

⁵ Articles 1-5. Those that present special difficulties read as follows:

1. Pro quacumque commonitione quam fecerint, sive pro banno, sive pro fossato, vel firmatione ville, neque episcopus neque castellanus habent ibi aliquid justicie vel implacitationis, sed cujuscumque sint ordinis hii qui ad eundem ordinem vel ministerium pertinent, vinum vel tale aliquid ab eis accipient.

2. Omnes qui in civitate domos habent, preter clericos et milites, debent excubias et adjutorium civitatis et consuetudines comunionis.

3. Si commonitio facta fuerit et quispiam remanserit, vel quia claudus est, vel infirmus, vel ita pauper ut pro custodienda familia sua, uxore scilicet vel parvulis in infirmitate positus, domi eum oporteat remanere, vel si minutus fuerit seque nescisse commonitionem jurare voluerit, nulla culpa tenebitur.

4. Quodcumque adjudicaverint jurati, extra civitatem non poterunt protrahi aut invitari.

Article 2, though it may seem to have no connection with the particular subject of either Article 1 or Article 3, is really incidental, I think, to one or the other, preferably the latter. Both of them have to do with matters connected with the summons by the authorities above the comuners, and Article 2, it would appear, tells just what persons are concerned in the summons. In like manner, Article 4 seems to be incidental to Article 3, the rule it expresses being expected to insure communal efficiency in regard to the matter treated in Article 3.

⁶ There is difficulty also about some of these:

Thus, if the foregoing analyses are correct, it would appear that the communal charters here in question are hardly the disordered compositions such documents have usually been considered. On the contrary, they seem to have been put together as if by some plan. They begin and finish successively the several matters with which they are concerned. The distribution of their various provisions may differ considerably from one charter to another, but in each instance there is some logical general arrangement. If certain provisions, like those to assure effectiveness of the communal action in criminal matters, are sometimes with one group and sometimes with another, in any case they never seem out of place; they have a double character which makes them fit in naturally at more than one point. Even when additions are made in confirmations, they are put in in appropriate connections, either inserted with the group with which they might naturally have appeared at the beginning or put at the end of the original document. In short, these communal charters, far from being deformed and unreasoned, proceed about their business in an orderly and logical manner.

But more than this, such conclusions on the charters, especially when the course by which they have been reached is considered, give some rather clear information about the communes themselves. To begin with, we have endeavored, while analyzing the charters, to keep ourselves consistently in the environment of the communers and to look at them and their world as they did. At every step we have asked whether this and that point mentioned by the charters should not rightly be connected with certain conditions of the place and time which the men of the commune naturally wished to change. We have constantly raised the question whether these folk were not capable of seeing several particular features of their situation in such a way as to consider them of the same general character; we have gone on the hypothesis that they were able to distinguish, for example, between ways of violating the law and proposals for the reform of the communal organization. Then,

6. Si quis vulneraverit vel occiderit quemquam intra communionem, jurati facient vindictam, forisfactura erit episcopi et castellani sicut prius.

7. Si quis vult esse in communione, non recipiatur ab aliquo solo, sed presentibus juratis, et pecunia quam dederit sub eorum testimonio accipiatur.

9. Si episcopus implacitaverit aliquem de communione pro aliqua forisfactura, vel pro banno, non poterit convinci vel appellari per aliquem servientem ejus, nisi alium approbatorem adduxerit, qui si defuerit sacramento se purgabit.

10. Nullus, absente clamatore, nisi injuria coram scabinis vel juratis fuerit ostensa, respondere habebit.

Article 7, I take it, must be intimately connected with Article 6. Its full meaning, thus taken, may not be clear, but it seems natural that there should be some special control of the membership of an organization which was to secure the benefit arranged for in Article 6. Article 10 may easily be understood to be a continuation of Article 9.

closely connected with this, we have disregarded the division of the charters into articles, save for strictly reference purposes, in much the same way that modern editors of the Bible have discarded its old verses. This way of dividing the matter of such documents is of course a device of translators and editors to make it more convenient to refer to this or that custom of a charter. But it is to be feared that these articles, though created with a worthy motive, do not always correspond to the real points that the original writer of the documents had in mind. They seem, indeed, to have had considerable influence in leading — or rather misleading — us to look upon the several so-called articles of a charter as describing — or rather not describing — so many separate and distinct matters in which the commune was interested. At all events the arrangement into articles has been associated with a scrappy analysis of the charters. For example, how long has it been said, as if the original writer of the document would have it so, that Articles 1, 8, 11, and 21 deal with one matter; 3, 5, 10, and 16 with another; 2, 4, 7, and 15 with still another? At the same time, also, we have endeavored to free ourselves from the assumptions of many earlier students, whose political theories led to a similar analysis: the communes were of course town governments, such as we should have now, and these charters, being their fundamental laws, describe in, say, Articles 1, 9 and 14 the law upon one subject; in Articles 5, 8, 16, 22, and 37 the law upon another; and so on. Thus, then, we have come not only to what would seem more natural and reasonable views of the charters, but also to a more definite idea of what the communes were really trying to do. We may say rather explicitly what general objects at least many of them had in hand, at all events in so far as those objects are reflected in their charters.

In the first place, they aimed to provide against acts of violence and unlawful demands of seigneurs, and to insure safety of property; in short, to promote law and order by arranging for efficient prevention and punishment of crimes. Second, they aimed to establish, change, or guarantee certain regulations in the field of civil relations. Third, they wished to make the commune a really effective organization, able, under all the circumstances, to accomplish what it was designed to accomplish. And fourth, in some instances they would regulate relations between the commune or its members on one side and the nobles and clergy or various lords and higher powers on the other. And foremost among these various purposes was the promotion of law and order. So it was, doubtless, that the first and largest — sometimes by far the largest — part of their charters was

devoted to this subject. The primary business in each of them was not exactly—as we have so often heard—to proclaim the solidarity of the commune and the mutual aid that its members were always to give each other, but to make of a certain association which had been formed for mutual aid an effective agent in securing the punishment and prevention of violations of the law. Some charters, as those to Beauvais and Amiens, began with injuries to persons or property; others, like those to Soissons and Noyon, opened with provisions concerning the violation of law by seigneurs in the way of exactions which the custom did not permit. But in either case, injuries or exactions, it was a question of punishing and preventing crimes, and through that of promoting peace and order.

Thus it has been seen what many of the communes were trying to do in the towns in which they were, what place they had with reference to their immediate surroundings. At the same time may it not also be seen more clearly than heretofore on what ground these same bodies maintained close relations with the king? It is said that Philip Augustus gave his support to such organizations for political and financial reasons; by these means he could strengthen himself in his old domain, gain something against opposing lords in annexed regions, and increase the funds of a hard-pressed treasury. All of this, doubtless, is true; indeed, private advantage was probably the immediate determining factor on both sides. Yet does it not appear, in the instances we have observed, that the broader common ground on which king and communes met was the promotion of peace? Maintenance of the law and advancement of justice certainly formed one of the paths of royal progress, possibly we should say its chief path; and whether work of this order was looked upon in a private or a public light, it was service which the king was more and more able to give and which many groups of people were glad to have and were more and more willing to make some return for. So it was not unnatural that at Beauvais, Soissons, Laon, Amiens, and numerous other places where justice was evidently not to be had by the regular channels the king should give his support to associations which were aiming especially to keep the peace.

Finally, and in a more general field, thus to know more definitely the rôle of a considerable number of the French communes may add at least another candle to those flickering lights by which we try to make out the real features of medieval democracies—to read, as it were, their thoughts and inner purposes. They were hardly setting up organizations which we of the Anglo-Saxon world should call a town government. It must be remembered that they were all born in the feudal régime, and that they always breathed its life;

they pursued its ends, they acted under its necessities, and they used its means. Thus they were struggling, like all about them, to further various private interests; they made all possible bargains and arrangements—with bishops, chapters, lords, kings, with whoever was at hand—to conserve their persons, their possessions, and their business; and to do all these things more successfully they had formed, here and there, private mutual-benefit associations. In some places these associations wished to do one thing, in other places something else. In the towns we have studied here they wished especially to help keep the peace and maintain the law; and in doing so they were doubtless acting less for the town as such than for the private interests of a greater or less number of their members.

EARLE WILBUR DOW.

THE YOUTH OF MIRABEAU

THE last week in February, 1764, young Mirabeau, a stout, pock-marked youth of fifteen, arrived at Versailles, where he appeared incognito, probably under the name M. de Pierre-Buffière.¹ M. de Sigras, the friend of the marquis who had agreed to take charge of the boy, was a "brave soldier, a good Latinist, a captain of cavalry, and a member of the *Académie des inscriptions et belles-lettres*." Although married, Sigras had no children. His wife being first lady in waiting to the dauphine, the mother of Louis XVI., he resided with her for a portion of the year at Versailles.²

Of the experiment tried by the Sigras family we know little more than that it promised much, but failed signally. In a letter to his brother the marquis described the manner in which he had worked on their feelings and induced them to take his son:³ "As to my eldest, who has given me, and still gives me, more trouble than all the rest of the family, do you know what action I have taken? He has now been for three days incognito at Versailles in the hands of the big Sigras, who has taken charge of him. You know this worthy man, his appearance and manner. He is to have with him

¹ Correspondance Générale, IV. 384. The marquis to the bailli, Paris, February 28, 1764. (It is by this title that I refer to the manuscript correspondence between the marquis and his brother. It is contained in twelve large volumes and is the property of M. Lucas de Montigny of Aix en Provence, through whose kindness I was allowed to consult it. This correspondence, only portions of which have been published, is the chief source of information concerning the early life of Mirabeau.) "Il est actuellement depuis trois jours incognito à Versailles." The marquis does not state in this letter what name had been given to his son. In a letter of June 2, 1764, the boy is referred to as M. de Pierre-Buffière. "C'était tout simplement," writes M. de Loménie (*Les Mirabeau*, III. 23), "le nom d'une terre importante, près de Limoges, devant revenir au marquis du chef de sa femme, et qui lui permettait de prendre le titre de premier baron du Limousin. Nous ne jurerions pas que le marquis n'était mis quelque vanité à faire porter par son fils le nom de cette terre." This hypothesis is clearly untenable. Mirabeau left home in disgrace. Referring to his departure, the marquis wrote his son in 1770, "Je vous ai dit en sortant de chez moi que vous ne reverrez la maison paternelle que je ne vous scusse changé" (Correspondance Générale, VI. The marquis to the bailli, Paris, June 1, 1770). In May, 1770, when Mirabeau was with his uncle in Provence, the marquis wrote to his brother: "Si tu continues et persistes à en être content, je te prepare un cadeau à lui faire, c'est d'obtenir qu'il prenne notre nom" (Correspondance Générale, VI. The marquis to the bailli, May 29, 1770).

² Loménie, *Les Mirabeau*, III. 22.

³ Correspondance Générale, IV. 384. The marquis to the bailli, Paris, February 28, 1764.

for some time yet a friend of his youth of the same cut and figure as himself, but stouter and more rustic. He will take the young man into the fields and be the good soldier, while Sigras will be the bad one. To describe to you the course that I took to win these worthy people, not only hiding nothing from them, but even heaping up the measure, would take too long. You will see at once that I touched the noble and almost romantic soul of Sigras and that this success is the result of the reputation that providence has conferred upon me by paying me in the money of the esteem of honest people, which is worth as much as any other treasure. It is a matter of religion with this good man to do everything to succeed. As for myself, I hope at least to draw from it the consolation of having neglected nothing in the performance of my duty in this matter and in the attempt to correct nature."¹

At the end of three months Sigras, with tears in his eyes, announced to the marquis that he would remain the jailer of his son as long as he pleased, but he despaired of ever doing anything with him. "That means," commented the marquis, "that the inexplicable derangement of his head is incurable."² He had never been confident that the experiment would succeed. After the boy had been with Sigras two months, the marquis referred to the possibility of his eldest son's becoming a good man as the result of punishment.³ It was his method of "correcting nature." There is no indication in this letter—the only one in which Mirabeau is referred to before his father announced the failure of the experiment—that Sigras was succeeding. The marquis still entertained the idea of dividing the estate, even if the eldest should be reclaimed. Boniface, "who is always the same, an excellent child," was being educated in the school of the Barnabites at Montargis. The marquis informed his brother, with much satisfaction, that "Father de la Roque, who had especial charge of him, has written, in a letter to his brother that I was not expected to see, 'I have never seen a child at the same time more active and more gentle.'" The marquis believed that he had every reason to be contented with his youngest son.⁴

¹ While Mirabeau was with Sigras the bailli wrote to the marquis as follows: "Quant à l'ainé, je souhaite et même j'espère que le Sigras en tirera le parti le plus avantageux que son étoffe comporte. Il ressemble diablement pour la figure au grand père maternel. Peut être que quand le monde le pressera de tous côtés et qu'il ne trouvera plus l'indulgence qu'il est impossible qu'on ne trouve pas dans la maison paternelle, son amour propre l'engagera au moins montrer ses défauts et cela les diminue à cet âge là." *Ibid.*, IV. 476. The bailli to the marquis, Malte, May 24, 1764.

² *Ibid.*, IV. 465. The marquis to the bailli, Bignon, June 2, 1764.

³ *Ibid.*, IV. 396. The marquis to the bailli, Paris, April 24, 1764.

⁴ *Ibid.*, IV. 384. The marquis to the bailli, Paris, February 28, 1764.

The failure of the residence with Sigras to serve as "a transition from the paternal house to the liberty of the army," for which the marquis intended his son, induced him to send the boy to a military school not unlike the one in which he had received a large portion of his own education. "I wished," he said, "for my own satisfaction, to give him the finishing touch by means of a public education and I sent him to the Abbé Choquard, who keeps one of the celebrated boarding-schools of the day, as they would not take him in the colleges in spite of all compliments. This man is severe and forces the punishment when necessary. This last trial made and completed, if there is no improvement, as I do not expect there will be, I will expatriate him bag and baggage." In the same letter in which he threatened his eldest son with such cruel punishment he informed the bailli that they might regard Boniface "as pretty nearly the sole resource of our house."¹ Two weeks later he referred to his "two boys, one of whom, according to appearance, ought not to be counted. Everything turns upon the head of Boniface, who is still an embryo."²

The school to which Mirabeau had been sent was in Paris, Barrière St. Dominique. It was not a reform school, nor had he, apparently, been sent there as a punishment for any particular misdemeanor.³ The father did not want the son at home and had given such an account of him that the regular boarding-schools would not receive him. At the Abbé Choquard's he would be severely disciplined, but at the same time thoroughly prepared for entrance into the service.

Among Mirabeau's fellow-pensioners were two young Englishmen, Gilbert and Hugh Elliot. The information concerning the character of the school and Mirabeau's life at this time is drawn chiefly from their letters.⁴ "No complaints of harsh treatment have, however, been recorded in the letters of the Elliots. In a style of which the idiom soon became more French than English, they describe the little events of their school life; their studies in ancient

¹ *Ibid.*, IV. 465. The marquis to the bailli, Bignon, June 2, 1764.

² *Ibid.*, IV. 471. The marquis to the bailli, Bignon, June 15, 1764.

³ "Une satire sanglante, qu'il avait composée contre une amie de son père, l'avait fait exiler de la maison paternelle, et reléguer dans la pension de l'abbé Choquard, où je le connus." This statement appeared in an article published by the *Journal de Paris* immediately after Mirabeau's death (April 22, 1791). The writer claimed to have been a teacher of mathematics at the pension of Abbé Choquard while Mirabeau was a pupil in the institution. There is nothing in the correspondence between the two brothers that gives any support to the statement quoted above. It is not probable, however, that the marquis would mention a matter of that kind to the bailli.

⁴ The Countess of Minto, *A Memoir of the Right Honorable Hugh Elliot* (Edinburgh, 1868).

and modern languages; their lessons in dancing, swimming, fencing, tennis; their military drill on Sundays; their parties in fine weather to Argenteuil, 'a village on the Seine not to be compared to Richmond,' and in the winter to the theatre to see *Zaire*, 'a tragedy by Monsieur de Voltaire'; the changes in their uniforms from blue and gold in winter to blue and silver, with a blue silk waistcoat, in summer. These and similar topics form the staple commodity of the boys' letters."¹ In a letter to his mother, written September 12, 1765, Hugh described the celebration that took place at the school on the fête of St. Louis. "Our first appearance," he wrote, "was in arms, after having performed military operations until dark. The place where we exhibited, which was in the middle of a small plantation at the end of our garden, which was excessively pretty when illuminated with garlands and lustres, was at once changed from a field of battle to a dancing school. For having laid aside our arms we danced stage dances till ten o'clock, opera-singers warbling cantatas to the king's praises between every dance; then the whole was shut by a firework."² One of the letters of Gilbert contains a description of a public examination: "The Abbé had thought to make a great coup by making the examinations open with a new exercise, which none of the troops in France will do until May; but, alas. it was throwing pearls before swine, for there was little else than ladies and clergymen to see it, who did not know the new from the old one. Our friend Mirabeau then repeated a long discourse in praise of mathematics, composed by the Abbé; and after a general clap, was examined on that part of his studies. I was examined after him on the same subject."³

Two years later, at the celebration of the fête of St. Louis, "Mirabeau pronounced an oration of his own composition entitled 'Eulogy of the Prince of Condé compared with Scipio Africanus.' It is mentioned by some of the journals of the time, probably at the instigation of the Abbé Choquard, who was desirous of calling the attention of the public to his establishment. The editor of the Bachaumont collection makes mention of the eulogy under the date of January, 1767, and remarks, à propos of the young writer: 'It is to be noted that this young eagle is already following the flight of his illustrious father, and the anecdote becomes valuable for that reason. The son has more clearness, more elegance in his style, and his discourse is very well written.'⁴

¹ *Ibid.*, 4, 5.

² *Ibid.*, 5.

³ *Ibid.*, 6.

⁴ Loménie, III. 28. According to Mirabeau, *Lettre de M. de S. M. aux Auteurs de la Gazette Littéraire*, reprinted in the third edition of the *Essai sur le Despotisme*, this

The Elliot boys, especially Gilbert, became very much attached to Mirabeau. The friendship did not end with their school-days. Twenty years later, when Mirabeau was the guest of Sir Gilbert in England, the latter, writing to his brother, described their old comrade as follows: "Mirabeau, though considerably ripened in abilities . . . is as overbearing in his conversation, as awkward in his graces, as ugly and misshapen in face and person, and withal as perfectly sufficient, as we remember him twenty years ago at school. I loved him then, however, and so did you, though, as he confesses, you sometimes quarrelled with him, being always somewhat less patient in admitting extreme pretensions than I."¹ This retrospective portrait of young Mirabeau, drawn by a friend, would seem to prove that he possessed at this time in a well-developed form all the traits that composed his fully developed character. He was overbearing in his conversation, awkward in his graces, ugly and misshapen in face and person, and perfectly sufficient, and yet men loved him. This power to draw men to him, so early displayed, he never lost; he exercised it equally upon his playmates at the Abbé Choquard's and upon the men who stood about his death-bed. During their residence in Paris the Elliots were in the charge of a tutor, Mr. Liston, afterwards Sir Robert Liston and English ambassador to Turkey; and "Mr. Hume, to whom they had been specially commended, showed them great kindness, and often visited them and superintended their studies." Mirabeau was acquainted with Liston, and it is probable that he also came into contact with Hume.²

Shortly after Mirabeau's death the *Journal de Paris* contained a communication from one who professed to have been an instructor in the school of the Abbé Choquard.³ "M. de Mirabeau," wrote this correspondent, "was only fourteen years old when I found him in the military school of the Abbé Choquard, Barrière St. Dominique, where I was called to teach mathematics. I soon distinguished him from his fellow-pupils on account of the nature of his questions, and the promptness with which he found the solution for a problem. Outside of my class he did nothing; all that was studied in the pension and did not appeal to his imagination appeared insipid to him; he wrote a miserable hand, which he never eulogy and some of his verses were printed at this time. "Alors on imprima quelques bagatelles du comte de Mirabeau," and in a foot-note he adds, "Un éloge du grand Condé, composé pour une fête publique; quelques pièces de vers," etc. *Essai sur le Despotisme*, xix. (Paris, 1792.)

¹ Sir Gilbert Elliot, *Life and Letters* (3 vols., London, 1874), I. 87, note 1.

² Writing to Hugh Elliot in 1783, Mirabeau inquired about Liston, whom he called "le bon Liston," and added "s'il vit, il ne vous est sûrement pas étranger." Minto, 430. The reference to Hume is Minto, 6.

³ *Journal de Paris*, I. No. 112. April 22, 1791.

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seriously undertook to improve. Seeing him absolutely unoccupied, I proposed to him that he come and work with me and had him read the *Essay on the Human Understanding* by Locke. While reading the first chapter of the second book, with which I had him begin, he fell into a profound revery; and all at once awaking as from a dream, he cried, 'There is the book that I needed,' memorable words that I have never forgotten, and he was only fourteen years old.

"We read together the last three books of Locke's work. The astonishing penetration of young Mirabeau, his association of ideas, his singular reflections, caused me to conceive the greatest hopes of him. Before knowing me he had written very energetic verses with great facility, but the reading of Locke, which he finished in three months, made him neglect from that time on a talent that had been injurious to him." The writer of this anecdote left the pension the following year. Some time later he encountered Mirabeau in the Tuileries. Running to him, Mirabeau greeted him with "extreme vehemence," saying, "Ah! I shall never forget that you made me read Locke."

However much truth there may be in the anecdote concerning Locke — it certainly is highly probable, the boy being at this time fifteen instead of fourteen, and very precocious — the statements concerning his mathematical ability are supported both by words of Gilbert Elliot and by Mirabeau's own reference to his mathematical studies. "I pushed mathematics in two years," he wrote while at Vincennes, "beyond differential and integral calculus."¹ At another time he declared that he had studied mathematics "from his earliest youth."²

In the Choquard pension Mirabeau remained for three years. Concerning the influence upon his character of the training received in the school,³ and the vicissitudes in his relations with his father during this time, little can be said with certainty. Judging from the letters of the marquis to the bailli in their collected correspondence, the experiment was a success. After Mirabeau had been in the school about two months his father wrote to his uncle that "M. Choquard pretends that he has more than half conquered M. de Pierre-Buffière, and finally he does not send him back to me. That is a great deal."⁴ In January of the following year he "was assured

¹ *Lettres Originales de Mirabeau*, III. 24.

² *Ibid.*, II. 289.

³ Mirabeau says of the training he received in the pension: "Il y apprit les mathématiques, et y réussit; étudia superficiellement quelques langues." *Essai sur le Despotisme*, xix.

⁴ Correspondance Générale, IV. 486. The marquis to the bailli, Bignon, July 17, 1764.

that a great change had taken place in his eldest son." Always skeptical, the marquis added by way of comment, "I am watching and keep my hands off."¹ The letters of the two years that follow contain no reference to Mirabeau. On March 31, 1767, his father announced that he was about to send him to the army.²

The letters quoted by M. de Montigny — the originals of which I have never seen — introduce deeper shadows into the picture and place the marquis in a more unfavorable light. These quotations are from letters addressed to the bailli and to the Comte du Saillant, the son-in-law of the marquis. Are they genuine? They may be as a whole, but how much of each quotation is an exact reproduction of the original it is impossible to say without a comparison with the originals. It is seldom safe to quote the language of the letters published by M. de Montigny; it may be permissible to give the substance of them.³ In August, 1764, the marquis learned that the boy had been receiving money from his mother.⁴ It was, perhaps, to prevent all such interference with the education of his son that the marquis gave orders that he should not be permitted to correspond with any person outside of the school.⁵ At the close of the first year, for reasons of which we know nothing, Mirabeau was to have been removed from the school and submitted to more severe discipline elsewhere.⁶ His comrades were so attached to him and so affected by the news of the misfortune that was about to befall him that they sent a deputation to the marquis bearing a petition signed by all of them asking for a suspension of the sentence. The marquis granted three months.

The reports from that time on must have been favorable, for the next quotation is from a letter written to the Comte du Saillant in February, 1766, in which the marquis announced that he hoped to save his eldest son, although the boy had a long road to travel on the way to reform.⁷ Before the year had closed, the hopeful mood had passed and the marquis announced his intention of leaving his son with Choquard until he could send him to the north to remove him from the places where he might be a burden after the marquis's death.⁸

¹ *Ibid.*, V. 10. The marquis to the bailli, Paris, January 5, 1765.

² *Ibid.*, V. 270. The marquis to the bailli, Paris, March 31, 1767.

³ I never quote the letters contained in the work of M. de Montigny when I have access to the originals or reliable copies of the originals.

⁴ Montigny, *Mémoires de Mirabeau*, I. 279. The marquis to the Comte du Saillant, August 30, 1764.

⁵ *Ibid.*, I. 279. The marquis to the bailli, October 31, 1764.

⁶ *Ibid.*, I. 280. The marquis to the bailli, August 7, 1782.

⁷ *Ibid.*

⁸ *Ibid.*, I. 281. The marquis to the Comte du Saillant, December 13, 1766.

It is important that the attitude of the marquis toward his younger son during this period should not be lost sight of. He was as persistent in his fondness for the one as he was in his dislike for the other, and continued to cherish the plan of marrying the younger in Provence and making him the heir of the old family possessions in that region. "We need a master for our patrimonial estates," he wrote to the bailli in March, 1767. "Boniface has my character in wishing to be always on pleasant terms with those around him, *bon camarade*, for so they call him. He never quarrels, has a great memory, *dissipation prodigieuse*, a *bon enfant*. From you he gets his firmness and a truthfulness that is unique. Finally, he promises to be a *bon sujet*." ¹

To establish external facts is at times not difficult; to explain these facts, to make clear the motives that led to the visible acts is often impossible. Young Gabriel was ugly and resembled his maternal ancestors; his mother lived apart from his father and was at war with him; the boy was in communication with his mother and received money from her. Boniface was personally attractive and resembled his father; there is no evidence to show that he took any interest in his mother. The father disliked the one boy and was fond of the other. These are the facts that have led historians to attribute all the hostility of the marquis toward his eldest son to this maternal likeness and to the interest taken by the boy in the mother's cause. There is practically no evidence to show that Mirabeau, in his early years, ever took sides in this family quarrel. True, Madame de Pailly did not like him, but her attitude may be partially explained by evidence that has often been overlooked. Mirabeau was an extraordinary child and not easy to manage. It is quite conceivable that without any family quarrel, without any Madame de Pailly, his education might have been a failure and that he might have turned out much the same sort of character that he finally became. It is quite possible that the main cause of trouble was the boy's disposition, while Madame de Pailly, his ugliness, his resemblance to his maternal grandfather, and the separation only served to aggravate the situation. It is possible, for motives are a matter of inference; but as long as psychological motives cannot be inferred with certainty from external acts, especially when these acts are few in number, and as long as the historian possesses no superhuman powers of divination, the careful student will hesitate to offer with any assurance an explanation for such phenomena as those involved in the relation of the Marquis de Mirabeau to his eldest son.

¹ Correspondance Générale, V. 270. The marquis to the bailli, Paris, March 31, 1767.

It is not necessary to assume that the marquis was actuated by harsh motives in removing his son from the Choquard pension. Mirabeau was eighteen years of age and, as his father intended him for the army, it was high time for him to begin the serious work of his life. "As to my boys," he wrote to the bailli,¹ announcing his intended action, "the eldest is still a cross; the world is full of trouble. I am going to send him as a volunteer (new style) to the roughest of military schools. A young man, but of the antique type, has founded it in his regiment. He pretends that the exclusive air of honor, united to a hard and cold régime, can restore lungs, even those that are naturally in very bad shape. I asked of him as mentor an officer who, without argumentation or talkativeness, has by instinct a disgust and natural disdain for everything related to cowardice. He said that his man was such a one. I have, in fact, seen two fathers thank him for having created a son for them. I ought to neglect nothing. I am going, then, to follow this road."

"When my son entered the service," he wrote later,² "you may infer from what you know of the past that I neglected nothing that he might be in good hands, were it for no other reason than that I might have nothing to reproach myself with. The Marquis de Lambert, to whom I had confided him, and who was pointed out to me on all sides as keeping the best and strictest military school, asked of me, at least for a time, a trusty domestic and one authorized to denounce him, above all one that he [Mirabeau] recognized as a mentor, not wishing to accustom him to think that espionage, even for a good motive, was a usual method. I proposed Grévin, whom he knew, and with whom he was delighted. I had difficulty in persuading him [Grévin] to consent to it for a time, but he is there."

The Marquis de Lambert, to whose care Mirabeau had been entrusted, was colonel of the regiment of Berri-Cavalerie, belonging to the light horse of the French army, at that time stationed at Saintes. He was the grandson of the famous Madame Lambert, and related to the Vassans. He did not, however, take the part of the Marquise de Mirabeau in her affairs with her husband, being a friend of Madame de Rochfort and a devoted disciple of the *Ami des hommes*. Although holding the rank of brigadier, the Marquis de Lambert was at this time but twenty-six years of age.³

On the nineteenth of July, 1767, Mirabeau joined his regiment. Saintes, the garrison town, charmingly situated upon the banks of

¹ *Ibid.*, V. 270. The marquis to the bailli, Paris, March 21, 1767.

² *Ibid.*, V. 359. The marquis to the bailli, Paris, August 7, 1767.

³ Loménie, III. 29.

the Charente not far from Rochelle, is a quaint old place to-day and could hardly have been less so one hundred and thirty years ago. The broad, quietly flowing stream; the old Roman bridge connecting the two parts of the town and supporting a beautiful triumphal arch; the wide main avenue, with its great trees casting a deep shade, rising from the bridge over the hillside; the crooked, picturesque streets; the remains of the Roman amphitheater; the impressive romanesque churches; and the fine old façade of the palace of justice — this was the picturesque environment of the young volunteer. Life in such a place was certainly not a hardship.

Of Mirabeau's life during the first year we know practically nothing. Local tradition indicates a house in the Rue d'Alsace-Lorraine as the place of his residence, and reports that at one time he was confined in the tower of the old palace of justice.¹ M. Charles de Loménie writes that "Mirabeau was one of the most insubordinate soldiers in the Berri-Cavalerie; he passed a portion of his first year of service in the prison of the regiment," yet he gives no proof and I have been able to find little more than this tradition to which I have referred.² As the tradition gives no date for his imprisonment, it is quite possible that it fell in the second year. No reference to Mirabeau is found in the correspondence between the marquis and the bailli until April 21, 1768, or near the close of the first year. "The news from the other [Mirabeau] is good," runs the letter; "I am going to get him a commission."³ His conduct must have been unusually good to satisfy two such censors as his colonel and his father.

On the twentieth of April, 1768, the marquis addressed himself to Choiseul, asking that his son be made a second lieutenant in the regiment in which he had served for nearly a year. "I have a son," he wrote, "whose youth was wayward. I prolonged and stiffened

¹ I have repeated the tradition as it was given to me by M. Louis Audiat, librarian of the city library at Saintes.

² The only additional evidence that I have found is in the report made in 1776 by the commission on *lettres de cachet* on Mirabeau's case: "Après une jeunesse beaucoup trop orageuse, avait été toujours en prison au regiment de Berri cavalerie où l'on l'avait mis pour son école militaire sous le Mis. de Lambert." *Mémoire sur Mr. le Comte de M.* Archives nationales, K. 164, No. 2, 32. The value of this evidence is questionable. The commissioners undoubtedly had the statements of the marquis before them, and at the time this memoir was drawn up the marquis was extremely hostile to his son. A memoir of this character drawn up in 1776 could hardly outweigh the evidence of the marquis himself given in 1768, that "the news from the other," meaning Mirabeau, "is good; I am going to get him a commission." At the same time he made this statement to his brother, the marquis informed the minister to whom he applied for the commission that his son was "esteemed" in his regiment. The significance of this application for a commission evidently escaped M. de Loménie.

³ Correspondance Générale, V. 399. The marquis to the bailli, Paris, April 21, 1768.

his education in every way and by every method, preferring to delay his entry into the service rather than have him ruin himself at the outset; when his age finally forced my hand I asked of the best officers of my acquaintance which of the military schools was the strictest and most exact. All agreed in naming the regiment of Berri commanded by the Marquis de Lambert. I put him in this regiment as a volunteer. The young man submitted. He has now made himself esteemed and has never lacked wit nor talent. I waited until his colonel should say to me that it was time to ask a commission for him; he has sent me the *mémoire* that I have the honor to transmit to you; my son was nineteen years old the tenth of March. I was not aware that a copy of his certificate of baptism would be necessary; I have sent to his birthplace for it and I promise you to send it to the bureau in a short time.”¹

The inclosed *mémoire* from the colonel was as follows: “The Marquis de Lambert requests M. le duc de Choiseul to be kind enough to procure for the Comte de Mirabeau a commission as *sous-lieutenant réformé à la suite du régiment de Berry*, where he has served for a year in the position of a volunteer. His birth is sufficiently well known so that it would be useless to add the ordinary certificates. The extract from the baptismal record is subjoined.”² M. Brette calls attention to “the cleverness with which De Lambert dwells upon the birth in order to avoid speaking of the conduct and the aptitudes of Mirabeau. These words, *commission de sous-lieutenant réformé à la suite*, testify to an attempt to reduce as much as possible his military position and consequently his responsibilities.”³ It may be so, but in the face of the father’s letter and of the fact that at this time the colonel was evidently satisfied with Mirabeau, the inferences of M. Brette seem hardly to be justified by the evidence. On the same day that Choiseul received the letter of the marquis Mirabeau was made *sous-lieutenant sans appointements* in the cavalry regiment of Berri.⁴

Some three months later, on a July day, the marquis was startled by the news that the young lieutenant, having lost eighty louis at play, had deserted and that his whereabouts was unknown. The marquis asserted later in a letter to the bailli that the news did not disturb him. “On the contrary,” he wrote, “I found myself

¹The documents relating to Mirabeau’s commission in the Berri cavalry were discovered by M. Brette and published in 1895 in the *Révolution Française*, XXIX. 255–264, under the title “Les Services Militaires de Mirabeau.” The originals are in the Archives administratives de la guerre, “au nom de Gabrielle-Honoré de Mirabeau, sans cote speciale.”

²*Ibid.*, 257.

³*Ibid.*, 258.

⁴*Ibid.*, 259.

relieved by the fact that he had been guilty of a prank similar to that of others." A few days later he was informed that "M. de Pierre-Buffière had been found in Paris, addressing himself to M. de Nivernois and opening against M. de Lambert a pack of recriminative lies, almost convincing by force of his eloquent effrontery. It was this action that dictated his arrest, and on seeing this hideous heap of contraverities and this ingratitude I felt the soul of my father reproach me for having hoped to do anything with this miserable being after so many trials."¹

Mirabeau was indeed at Paris and appealing to the Duc de Nivernois, as his father had stated. He had taken lodgings under an assumed name at the Hotel de Bretagne, Rue St. André-des-Arts, and writing to the Duc de Choiseul had begged him to act as a mediator with his father and to grant him a hearing. "I dare to implore your intervention with my father," ran the letter, "whom I shall find cruelly irritated with me on account of the inconsiderate act to which I was driven by vivacity, anger, and human respect. M. de Lambert, my colonel, affronted me twice in so outrageous a manner that I had the whole city murmuring at my patience, which was looked upon as baseness. I felt that my mind, prodigiously agitated, was getting beyond my control. The fear of committing the greatest of follies, the humiliation of seeing myself shamefully ridiculed made me decide to leave Saintes. I set out by post, and whatever chances I may take in announcing to you my residence, I count sufficiently upon your justice and your goodness to confide to you that I am in Paris. Deign to conceal this from my father until you have been willing to hear me and to verify the facts I shall have the honor to state to you. I dare, then, to supplicate you to send to the Hotel de Bretagne, Rue St. André-des-Arts, a card upon which you will have been kind enough to give me your orders concerning the hour that I beg you to grant to me. This card, without name, presented to the porter, will be faithfully remitted to me and I shall take the liberty of calling upon you." The letter bore the date of July 21, 1768.²

What were these affronts that had so affected the mind of Mirabeau that he deserted his regiment, even, it is said, abandoning³

¹ Correspondance Générale, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

² A copy of this letter, made from the original in the possession of M. Lucas de Montigny, is given in the manuscript of M. Mouttet's volume entitled *Mirabeau en Provence*, now in my possession.

³ The memoir prepared in 1776 does not charge him with deserting his post, but states that he was sent to the Île de Ré "pour avoir quitté et fui sans congé de ce régiment." Archives nationales, K. 164, No. 2, 32.

his post when on guard, to save himself from the danger of committing some crime that he might afterwards regret? It was a love-affair. The story is told by M. de Montigny, but without the citation of a particle of evidence:¹ "The young and beautiful daughter of a constable of Saintes had pleased the Marquis de Lambert; she had also pleased Mirabeau; according to usage the second lieutenant had supplanted the colonel; the latter, already harsh by nature, already indisposed, authorized, stimulated by the father and by Grévin, insulted his happy rival, had him insulted, or allowed him to be insulted by a coarse caricature, which set the whole regiment laughing at Mirabeau's expense; then Lambert called the authority of his rank to the aid of his irritated *amour-propre*; it was then that Gabriel, punished beyond measure, and unable to deceive himself concerning the cause had, *while on guard*, abandoned his post and fled to Paris."

This account rests, as far as I have been able to discover, simply upon oral tradition. Certainly M. de Montigny would have cited his documents, had any existed. "In the absence of proof," observes M. de Loménie, "it seems to us difficult to admit the exactitude of this grief. It is not easily reconciled with the general esteem of which the character of M. de Lambert was the object. We shall see, elsewhere, on different occasions, that inventions of every kind cost little to Mirabeau's unscrupulous conscience."² It is not safe, as a rule, to infer particular acts from a man's general character. The inferences may or may not be true. We know very little about the character of the Marquis de Lambert, and what we do know does not render the story impossible. The evidence upon which the story rests is, apparently, worth little. Mirabeau makes no mention of his colonel as a rival, nor does he make any specific charges against him. In a letter written to his mother the following year he referred to Lambert as "a colonel unworthy to command officers who are better than himself." He added: Lambert "has employed all possible methods to destroy me. He has not succeeded." The historian must pass over the charge against the Marquis de Lambert, not because it is difficult to reconcile with a character concerning which little is known, but because the proof is lacking.

There was, however, a love-affair, even if the colonel was not one of the lovers. The father had believed that the gambling debt was the cause of all the trouble. He later wrote to the bailli that investigation showed that "it was a promise of marriage and all the

¹ *Mémoire de Mirabeau*, I. 288, 289.

² Loménie, III. 31.

follies at one time.”¹ There can be no doubt of this fact : we have Mirabeau's own word for it. In the letter to his mother already mentioned he referred to himself as “ more unhappy than culpable,” and added, “ if I have sacrificed too much to love, I have given no cause for criticism as to the qualities of my heart and the knowledge relative to my profession.” In the *Lettres de Vincennes*, in a *mémoire* addressed to his father, Mirabeau asked what he had done at this time that should have led his father to think of sending him to the Dutch colonies. His own answer was, “ I had loved.”² In another letter in the same collection he summoned his father to declare why he was detained on the Île de Ré: “ Let him allege any other reason, if he can, than an intrigue with a woman that made him fear a union *mal assortie*.”³

The Duc de Nivernois did not keep Mirabeau's secret. He communicated the news to the marquis ; and the Comte du Saillant, Mirabeau's brother-in-law, was “ put upon his trail ” — to use the language of the marquis — “ frightening him, drawing him on, and consigning him to the hotel de Nivernois, surrounding him with spies, and discovering that he was connected with a horde of brigands ; his case won, he took him away by post, thirty-six hours later, to Saintes. There, in presence of the colonel, of the lieutenant-colonel, of his mentor, of Grévin, they made him confess at last, and they discovered that it is neither this nor that, it is a promise of marriage and all the follies at once. These worthy and zealous young men slip out and depart, and the Marquis de Lambert recovers his letters, comes back, and at once is taken ill, and I came very near losing this worthy young man who cherishes me and serves me like a son.”⁴

In a second interview, according to the marquis, who obtained his information from Lambert, the colonel “ had read to him (Mirabeau) one of his letters that had been intercepted and that might have ruined him, cast it into the fire, and asked if he believed that a man capable of depriving himself of such weapons was an enemy. This act produced a sudden change ; he broke off at once all his liaisons, promised to submit to imprisonment as a favor, asked to have Grévin left with him, to be released only on the return of M. de Lambert, and to go back to his corps where he had so much to repair. The noble and sensible heart of M. de Lambert held out

¹ Correspondance Générale, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

² *Lettres Originales de Mirabeau*, I. 296.

³ *Ibid.*, I. 189.

⁴ Correspondance Générale, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

some hope to him. As for myself, I remarked to him (Lambert) that it was the displacement of the hammer of this fool from beneath the chime of the desperate prisoner and the passionate lover ; that we could draw no other advantage from it than to transfer him without a scandal injurious to his family."¹

Was it this intercepted letter that caused Mirabeau, fearing the action of his colonel and his father, to desert? The explanation is not an improbable one. It should be noted, however, that the real situation became known only after Mirabeau's return to Saintes, and that Lambert recovered the letters in the possession of the young lady only after the confession. The effect upon Mirabeau of Lambert's chivalrous action in burning the intercepted letter should not be overlooked. Mirabeau always claimed that his father had shown him little affection ; that he had tried to discipline him by rigorous measures when he might have led him by kindly treatment.² Undoubtedly the father was unsympathetic and unduly severe ; undoubtedly the boy was in need of sympathy and capable of attaching himself to those who loved him, but his intentions were always better than his deeds and he was always ready to condone his own faults.

The love-affair did not end here. "In 1770 Mirabeau was still in correspondence with the object of this first passion, through the medium of his sister, Madame de Cabris."³

The bailli was much incensed at the action of his nephew. "Your letter of the twenty-fourth of August, dear brother," he wrote, "filled me with consternation, informing me, as it did, of the new pranks of M. de Pierre-Buffière, and fortunately the little hint that you dropped before prepared me. But after having ruminated three days since the receipt of your letter upon the unique course to take, I see only one way. It is for you to decide, after a very detailed inspection of the case, whether you ought to follow this course, that is to say, if the excesses of this miserable being are such that he should be forever excluded from society, and in that case Holland is the best of all. You are certain of never seeing reappear on the horizon a wretched being, born to cause chagrin to his parents and shame to his race. It is, I say, for you, after the examination of his acts and deeds, to judge if the heart is rotten : if it is, there is no resource." Toward the close of the same letter he added, "I repeat to you, dear brother, this wretched being, if his heart is rot-

¹ *Mémoires de Mirabeau*, I. 299. The marquis to the Comte du Saillant, October 1, 1768.

² *Lettres Originales de Mirabeau*, I. 295.

³ Loménie, III. 34.

ten, is without hope and in that case I know of nothing better than Holland."¹

It was not a *simple amourette*, as M. de Montigny has called it;² it was the fear of a *mésalliance* on the part of the eldest son that appeared to enrage the uncle more than the father. It is not difficult to realize what the feelings of the bailli were, filled as he was with the pride of his race, when he learned of the narrow escape of the family from a disgrace like that formerly inflicted upon it by his younger brother. The more he dwelt upon it, the more serious it seemed and the more his anger increased.

"I assure you," answered the marquis, "that I agree with all that you have said to me, both for the present and the future. But these things are easier to plan than to execute, above all in the age in which we live and with a rogue who has all the intrigue of the devil and the intelligence of a demon. The Marquis de Lambert said to me the other day that he had divided the city and the province between reason and him, and that in spite of his odious character, he would have found in the city of Saintes 20,000 livres that are not there."³

Before hearing his brother's suggestion, the marquis had acted, sending Mirabeau to the Île de Ré. "The bad subject is in prison," he announced in the same letter that informed the bailli of the escape. "His brother-in-law, who has said so much in his behalf, is forced now to admit that a miracle will be necessary and that such as he is, he is a sewer. All this is shocking for the head, the stomach, and the purse of your elder brother, and as you could do nothing in the matter, it seemed better to say nothing at all to you about it; but it is difficult to silence the heart in the presence of those whom we love and esteem. As I have domestic dragons of different kinds, for the present I would not have said anything more about it to you, had I not feared from your letter that you would accuse me of reticence toward you."⁴

¹ Correspondance Générale, V. 475, 476. The bailli to the marquis, Mirabeau, September 10, 1768. According to Mirabeau, his father assured him after their reconciliation in 1770 that in 1768 he had thought seriously of sending him to the Dutch colonies: "Qu'il me soit permis seulement de vous rappeler qu'après m'avoir reçu en grace, vous m'avez avoué dans une de vos lettres, que vous aviez été *au moment de m'envoyer aux colonies Hollandaises, lors de ma détention à l'isle de Rhé*. Ce mot fit une profonde impression sur moi; il a prodigieusement influé sur le reste de ma vie: et voilà pourquoi je vous le rapelle. Daignez réfléchir, en y pensant, que vous êtes prompt à envisager les partis les plus violents. Qu'avais-je fait à dix-huit ans, pour que vous eussiez une telle idée qui me fait fremir encore aujourd'hui que je suis enseveli tout vivant dans un tombeau?" *Lettres Originales de Mirabeau*, I. 295, 296.

² *Mémoires de Mirabeau*, I. 289.

³ Correspondance Générale, V. 489. The marquis to the bailli, Fleury, Oct. 18, 1768.

⁴ *Ibid.*, V. 467. The marquis to the bailli, Bignon, August 24, 1768.

Reasoning from the fact that the *lettre de cachet* transferring Mirabeau to the *île de Ré* was issued by the minister of war, M. de Choiseul, and not by M. de Saint-Florentin, the minister who issued letters for matters of family discipline, M. de Loménie infers that his imprisonment was a military punishment for his desertion.¹ It is possible, but it should be noticed that Choiseul would naturally deal with the matter because Mirabeau was an officer of the army, and also that the Marquis de Mirabeau evidently conducted the negotiations with the minister.

"I assume that he is caged now," wrote the marquis to his brother, September 21, 1768, "in the chateau of the *île de Ré* and well recommended to the Bailli d'Aulan. This determination was necessary, the Marquis de Lambert not being able to keep him."² The colonel was eager to be rid of the troublesome lieutenant. "I have been occupied," wrote the marquis, "in appeasing the impatience of M. de Lambert, who, without taking distance into consideration, had hardly written to me before he was seriously disturbed at not seeing all that he asked of me arrive, nor any plan of agreement. As I had asked of M. de Choiseul that there should be as little scandal as possible, he proposed to me to send an order to M. de Pierre-Buffière to carry a letter to the Marechal de Seneterre at Rochelle, who at once would have him arrested and conducted to the *île de Ré*."³ It was in this way, probably, that the first *lettre de cachet* was executed against Mirabeau, and he found himself a military prisoner in the citadel at St. Martin on the *île de Ré*.

The *île de Ré*, the scene of Mirabeau's first imprisonment, is a picturesque island off the harbor of Rochelle, some three miles from the mainland. Its length is some eighteen miles and its breadth three. The population to-day is nearly fifteen thousand, distributed among several towns. The largest is Saint-Martin de Ré with two thousand inhabitants. At the entrance to the harbor of Saint-Martin rise the outworks of the fortress to which Mirabeau was consigned. Although now used as a depot from which convicts are shipped to New Caledonia, the citadel has changed but little since the days when it was occupied by its most distinguished prisoner. The diminutive harbor with its fishing craft; the town with its quaint, antique streets shut in by stone houses whose white

¹ Loménie, III. 33.

² Correspondance Générale, V. 476. The marquis to the bailli, Fleury, September 21, 1768.

³ *Mémoires de Mirabeau*, I. 294. The marquis to the bailli, September 16, 1768. No letter of this date appears in the Correspondance Générale. There is a letter of the date of September 21, but it does not contain the quotations given by Montigny.

walls reflect the dazzling rays of the summer sun ; the attractive old town square with its ancient trees ; and, close by, the house formerly the home of the governor of the island, now occupied by the village school ; beyond the town, the vine-covered fields ; toward France, the waters of the Atlantic—these things to-day form a not unpleasant picture. It certainly was not a disagreeable place of exile, and in the mind of Mirabeau few unpleasant recollections were to be connected with it. The governor of the island, the Bailli d'Aulan, was not a harsh jailer, although the marquis had instructed him that the young man "was fiery, wrongheaded, and a liar by instinct."¹ The Comte de Broglie has called D'Aulan "the happy king of the Île de Ré, the happiest region of France." He was a *grand-croix*, commander of the temple of Agen, *maréchal de camp* of the armies of the king, and "the delight of the island." With his six feet of stature and his distinguished face, the Bailli d'Aulan was a worthy representative of the king.²

It is not probable that Mirabeau was closely confined in the citadel. Local tradition points to a room in the vicinity of the chapel as the one that he occupied,³ but he soon won the favor of the governor, and went and came much as he pleased. Although Gervin remained with him, the surveillance did not prevent Mirabeau from contracting debts nor even from corresponding with his mother, from whom he received financial aid.⁴ All this was a violation of the marquis's orders, but the son, as the father expressed it, "had bewitched the Bailli d'Aulan—who contrary to my orders allows him

¹ Loménie, III. 35.

² The local histories of the island contain notes upon D'Aulan. It is from one of these by M. Théodore Phelippot that I gathered the data upon D'Aulan found in the text. The hospital of Saint-Honoré at Saint-Martin possesses a rather striking portrait of the bailli, which the sisters were kind enough to show to me. It is the face of a man of abundant good-nature and one not likely to prove a harsh jailer. The marquis wrote of him : "La reputation du Bailli d'Aulan est excellent ; c'est encore un nouveau temoin que je me procure et un nouveau appui de decision dans tous les cas." Correspondance Générale, V. 476. The marquis to the bailli, Fleury, September 21, 1768.

³ The search for material both at Saintes and at Saint-Martin was disappointing. The local archives in both of these places had been destroyed by fire a short time before my visit. From Dr. Kemmerer, a resident of Saint-Martin and one of the historians of the island, I learned that Mirabeau, according to tradition, occupied a room in the citadel next to the chapel, but as there were three equally near the chapel the information was not very definite. The only change in the citadel, I was told, had been the construction of an inner wall between the main entrance and the chapel. The building that Mirabeau is supposed to have occupied is of stone, one story in height, with rooms not at all unattractive. It was from the lips of an American that the commandant of the place learned for the first time that Mirabeau had once been a prisoner in the citadel. I had a similar experience with the commandant of the Fort de Joux on the eastern frontier.

⁴ Manuscript of M. Mouttet, *Mirabeau en Provence*, 24-26 : "Je compte, ma chère Maman, sur le petit secours pécuniaire que vous me promettez, le nouveau m'est necessaire pour des dettes urgentes et forcées que j'ai faites dans ce pays-ci."

to promenade in the citadel —, my friends, and everybody.”¹ He was not only permitted to promenade in the citadel, but even “to go to the city (Saint-Martin or Rochelle) to dine in style.”² The bailli was not the only one that Mirabeau bewitched. A certain Chevalier Bréchant received the letters from his mother, and Mademoiselle de Malmont, the sister of the lieutenant of the citadel, performed a like service for him.³

Mirabeau remained seven months on the Île de Ré. At the end of six months the marquis realized that it would be difficult to prolong the imprisonment. “The fact is,” he wrote to the bailli on the fifteenth of February, 1769, “that it is necessary to end this affair; that I do not know how to keep his eldest brother in cage later than the spring; that he asks to go to Corsica and interests the Bailli d’Aulan and my friends and Grévin in this request. I know well that, once free, he will end in having himself locked up for good before three months have passed; but the theater of his follies is his passage through Provence.”⁴ On the twenty-seventh of the same month the marquis had decided to grant his son’s request and to allow him to join the expedition against Corsica. “What you tell me, however,” ran the letter, “causes me to decide upon my course. I cannot keep M. de Pierre-Buffière any longer in cage and I cannot miss the occasion offered by Corsica; so be assured that next month he will pass through Provence, but so carefully guarded and so rapidly that you will not even hear of it.”⁵

A few days later the news of the decision had reached Mirabeau. On the fifth of March, 1769, he wrote to his mother: “My affairs have taken a more favorable turn; the Bailli d’Aulan, governor of the Île de Ré, is soliciting the revocation of my *lettre de cachet* and it appears to be decided that I shall go to Corsica in a short time.”⁶ The Bailli d’Aulan interested himself in securing the release of his prisoner, but the important party in the transaction was the father. This is demonstrated by an official document bearing the date of March 13, 1769. “The twentieth of April, 1768,” states the record, “the son of M. le Marquis de Mirabeau obtained the rank of

¹ *Mémoires de Mirabeau*, I. 300. The marquis to the bailli. M. de Montigny refers to a letter of February 15, 1769, for this quotation; but this letter, found in the collection that I have used, contains no such matter. The manner in which M. de Montigny manipulates his quotations and confuses dates in his foot-notes is inconceivable by any one that has not attempted to control his work by a comparison with the material that he used.

² Loménie, III. 35, quoted from a letter of the marquis of January 1, 1769.

³ Mouttet, *Mirabeau en Provence*, 24-26.

⁴ Correspondance Générale, VI. 65, 66. The marquis to the bailli, Paris, February 15, 1769.

⁵ *Ibid.*, VI. 72. The marquis to the bailli, Paris, February 27, 1769.

⁶ Mouttet, *Mirabeau en Provence*, 24-26.

second lieutenant in the cavalry regiment of Berri. He had served in this regiment a year as a volunteer. He has been detained since the past year in the citadel of Ré for misconduct. M. le Marquis de Mirabeau observes that his son has urgently requested permission to take part in the campaign against Corsica, and that M. de Viomenil is willing to take charge of him and send him under fire. He requests that he be attached as second lieutenant of infantry to the legion of Lorraine. He desired that Monseigneur would kindly grant to him some appointments; he leaves that matter to his sense of justice; he observes that his son has served for three years without having any.¹ In order that his son may join the legion of Lorraine, he asks that the revocation of the *lettre de cachet* that detains him in the citadel of Ré be sent to M. le Chevalier d'Aulan."

It follows from this document that Mirabeau was imprisoned for misconduct, and was released at the request of his father. On the very day when this record was made the marquis announced that "the orders for his liberation have been sent,"² indicating that he was in close touch with all that was taking place. Hoping little good from this latest experiment, the marquis, as usual, endeavored through repression to diminish the evil consequences of it.

On the thirteenth of March the orders for Mirabeau's release had been given and his route across France had been decided upon. On the fourth of April, at the latest, he was to join the legion of Lorraine at the Pont St. Esprit. He was to serve in the infantry. "The Baron de Viomenil, colonel of this legion," wrote the marquis, "has been represented to me as just the man that he needs, and that service also for his fiery spirit, which imagines that it will devour everything, but which will devour nothing but a plentiful supply of saber strokes, if he has the nerve to face them. He has been recommended to everybody, and I had an opportunity to discover how people like to compliment those who are in trouble. M. de Vaux himself said to me that they would hang him at public cost if he proved unworthy of his father, but that otherwise he would be favored by everybody. He is going then with Grévin. He has orders to remain incognito until he has embarked; I assure you that that is very important, for he could not exist twenty-four hours without getting into some kind of a scrape and replying to an act of politeness with an insult."³ The bailli replied that if M. de Pierre-Buffière passed that way and called upon him, he would re-

¹ *La Révolution Française*, XXIX. 259.

² Correspondance Générale, VI. 80, 81. The marquis to the bailli, Paris, March 13, 1769.

³ *Ibid.*

ceive him,¹ but the marquis assured his brother that he had given orders to the best of his ability that his son should pass incognito, "and surely," he added, "he will not go to see you at Mirabeau."²

Events seem to have justified the preventive measures taken by the marquis. Drawing his information from Grévin, who accompanied his son, he described the passage of the young man from Rochelle to Toulon in most vigorous language: "This miserable Pierre-Buffière left the Île de Ré a hundred times worse than he entered it, not on account of his comrades, but because of the lapse of his own folly. He fought at Rochelle, where he remained only two hours. I have had news from poor Grévin from Saint-Jeand'Angely and from Puy. He says that he goes cursing, striking, wounding, and vomiting a rascality that has no equal."³ M. de Montigny, citing a letter of Mirabeau to his brother-in-law, M. du Saillant, asserts that in the duel fought at Rochelle Mirabeau was not the aggressor. An officer, dismissed in disgrace from his regiment, with whom Mirabeau refused to associate, was the real cause of the trouble.⁴

The soul of the marquis was disturbed more, perhaps, by the debts that his son contracted than by his escapades. "Without paying for his pranks and a multitude of notes," he wrote, "he has devoured more than ten thousand livres in the last eight months, and the most of that time he has been in prison. . . . The villainous notes of that man terribly wound my soul, although well prepared and accustomed to vomit him up. . . . He has, in addition to his other good qualities, that of borrowing from all hands: sergeants, soldiers, all are the same to him."⁵

"After a painful journey, and even a perilous one in the mountains of Auvergne and Vivarais, which he was obliged to cross in snow twelve feet deep," Mirabeau finally reached Toulon and embarked on the eighteenth of April for Corsica.⁶ To be rid, for some time at least, "of an odious generation that keeps me without ceasing with a sword above my head and coals under my feet,"⁷ was a

¹ *Ibid.*, VI. 83. The bailli to the marquis, Mirabeau, March 7, 1769.

² *Ibid.*, VI. 83. The marquis to the bailli, Paris, March 20, 1769.

³ *Ibid.*, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

⁴ *Mémoires de Mirabeau*, I. 302. M. de Pierre-Buffière to the Comte du Saillant, March 20, 1769.

⁵ Correspondance Générale, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

⁶ *Ibid.* For the passage through the mountains see Montigny, *Mémoires de Mirabeau*, I. 303, who cites a letter of the marquis to the bailli of April 22, 1769. No letter of that date is to be found in the collected correspondence.

⁷ Correspondance Générale, VI. 100. The marquis to the bailli, Paris, April 10, 1769.

great relief to the marquis. Grévin returned to Paris by way of Mirabeau and remained for some time with the bailli, who thus had an opportunity to study the man that had acted as a mentor to his nephew. He "does not appear to me to be very admirable," was the opinion that he expressed to his brother.¹ The marquis himself referred to him as "jealous by nature,"² and on another occasion he criticized him for not maintaining a stricter surveillance over his son at Saintes and on the Île de Ré.³

The Corsican campaign was not of long duration. Mirabeau landed the last of April, 1769, and the fighting was over in June. Although he saw little active service, he proved that he had a real genius for war and was a worthy descendant of Jean-Antoine. He won the good opinion of his superior officers and the affection of his associates. The major of the legion, the Chevalier de Villerau, declared some years later that "he had never known a man with greater talents than the Comte de Mirabeau for the profession of arms, if time had rendered him discreet."⁴ Mirabeau wrote in later years that this man "loved me much and declared that I was a great officer in embryo."⁵

Here for the first time he displayed the talent for hard work and the determination to master the thing in hand that were so characteristic of the man. "What I am most of all," he once wrote to his sister, "or I am much deceived, is a man of war, because there alone I am cool, calm, gay without impetuosity, and I feel myself grow in stature."⁶ He has himself described his enthusiasm for his profession and his efforts to master its minute details: "Reared in the prejudice of the service, fired with ambition, and avaricious for glory, robust, audacious, ardent, and yet very phlegmatic,⁷ as I proved myself in all the dangers that I encountered, having received from nature an excellent and rapid *coup d'ail*, I had reason to believe myself born for the service. All my

¹ *Ibid.*, VI. 209. The bailli to the marquis, Mirabeau, September 23, 1769: "Mais l'homme à qui tu l'avais confié et qui a passé ici quelque temps ne m'a pas paru bien admirable."

² *Ibid.*, VI. 139. The marquis to the bailli, Paris, May 30, 1769.

³ "Grévin et puis tous les supérieurs de ce miserable ont laissé aller beau par le plus bas de manière." *Ibid.*, VI. 146. The marquis to the bailli, Paris, June 14, 1769.

⁴ Loménie, III. 38. The remark was made in 1787 and quoted in a letter of the marquis.

⁵ *Lettres Originales de Mirabeau*, I. 162.

⁶ *Mémoires de Mirabeau*, I. 329. Mirabeau to Madame du Saillant, September 11, 1780.

⁷ *Lettres Originales de Mirabeau*, II. 258: "Si moi, qui te parle, me sens bien la force d'en renverser quelques bataillons en sifflant dessus, c'est que la vie dure que j'ai menée, et les exercices violents que j'ai aimés (nager, chasser, escrimer, jouer à la paume, courir à cheval) ont réparé les innombrables sottises de mon éducation."

views had, then, been turned in this direction, and although my mind, famished for every kind of knowledge, was interested in all sorts of things,¹ five years of my life were devoted almost exclusively to military studies; there is not a book on war in any language living or dead that I have not read; I can show extracts from three hundred military writers, extracts studied, compared, and annotated, and memoirs that I wrote upon all parts of the profession from the greatest objects of war to the details of engineering, of artillery, and even of the commissariat."²

In the period between the close of the campaign and his return to France Mirabeau was engaged in making a study of the island, its inhabitants, manners and customs, and history. "He perceived everywhere the traces of the devastations of the Genoese, the vestiges of their crimes; and by this mark of despotism he recognized his enemy. His heart, palpitating with indignation, could not contain itself; his imagination, filled with ideas, flowed over. He wrote; he traced a rapid sketch of the Corsicans and of the crimes of the Genoese. This work was taken from him by his father; it was very incorrect, without doubt, but full of animation, of truth, of ideas, and of facts carefully observed in a country of which no correct notion had been given, because mercenary writers or fanatic enthusiasts had alone undertaken to speak of it."³ The history dealt chiefly with the forty years previous to the French occupation of the island. He had also prepared a description of the island, which he had studied "foot by foot," "with all possible political, economic, and historical details."⁴ The history, he claimed, was prepared at the instigation of Buttafuoco.⁵ "He took possession of the Corsicans, he had all their papers."⁶ Mirabeau declared while at Vincennes that the "deputies of the three estates of Corsica" besought his father to allow the work to be printed, but the marquis refused.⁷ This statement should be confronted by the charge made by the marquis that his son "seduced a man in order to get possession of

¹ Mirabeau had been an omnivorous reader from his childhood up. He was, according to M. de Montigny, "dès l'âge de quatre ans . . . avide de lectures. Il s'emparait de tous les papiers qui lui tombaient sous la main." *Mémoires de Mirabeau*, I. 243. Mirabeau himself refers to his fondness for books while at school in Paris: "Il empruntait toutes sortes de livres, les lisait sans méthode et sans autre objet que celui d'assouvir son insatiable soif de savoir." *Essai sur le Despotisme*, xix.

² *Lettres Originales de Mirabeau*, III. 21.

³ *Essai sur le Despotisme*, xxi.; *Lettres Originales de Mirabeau*, I. 190.

⁴ *Mémoires de Mirabeau*, I. 317.

⁵ Correspondance Générale, VI. 330. The bailli to the marquis, Aix, May 21, 1770; *Ibid.*, VI. 375-380. The bailli to the marquis, Aix, August 23, 1770.

⁶ *Mémoires de Mirabeau*, I. 316. The marquis to the Comte du Saillant, May 14, 1770.

⁷ *Lettres Originales de Mirabeau*, III. 173.

memoirs that a priest of the country had made ; he promised this man to pay him well and to return the memoirs. This man wrote a complaint to the late M. Gerardi, officer in the regiment Royal-Italian, who informed the Duc de Nivernois." ¹

From evidence such as this it is impossible to get at the truth of the affair. Mirabeau undoubtedly made a study of the island and its people, even if the motives for doing so were not those given by him in later years. It is not inherently impossible that he procured material in the way indicated by his father, for it is in keeping with methods employed by him throughout his later life, but it would be unscientific to state as a fact a thing that rested on a scrap of third-hand evidence. The matter of first importance is, however, the early development of the inquisitive spirit that never allowed him to rest ; that made a great questioner of him, a laborious student, and an untiring investigator. It was no accident that made Mirabeau a leader in the National Assembly ; he had prepared himself for leadership by twenty-five years of severe mental effort such as few men are capable of.

To make the Corsican episode typical, not even a love-affair was lacking. From Vincennes he wrote of this early love to a woman whose name has become inseparably associated with his. "Yes, madame, yes," he wrote to Sophie de Monnier, "Maria Angela is a very pretty name ; and when I was jealous of some one (a thing that did not often happen, for I was very lukewarm) she addressed injurious remarks to him, or struck him, or as an honest Italian she gravely proposed to me to poniard him." We might have known more of this affair but for the well-meaning censorship of M. de Montigny. He declined to dwell upon Mirabeau's gallantries in the island, "of which, happily, he has made public only a brief and succinct mention. Not that we have not had in our possession long details, written by himself, of a very spirituelle originality ; but we at first put them aside and afterward destroyed them, because, as we were determined to keep within the bounds of the respect which is due to our subject and our age, to the public, and to history, we would add nothing to the facts, and above all to the suppositions of this kind, which are already to too great an extent attached to the name of Mirabeau." ² M. de Montigny undoubtedly had a right to destroy his property if he wished to ; moreover, the attitude of the historian toward his subject will always differ from that of a son toward his adopted father. The dictates of science are not always to be reconciled with the dictates of affection.

¹ Loménie, III. 38, note 2.

² *Mémoires de Mirabeau*, I. 312.

Mirabeau was absent from France a little more than a year. During this time he is seldom mentioned in the correspondence between the brothers. The marquis was arranging a marriage for his daughter Louise at the time of Mirabeau's departure, and hoped to carry the thing to a successful conclusion, "provided," he wrote to the bailli, "this unhappy fool in Corsica, who devours me, will let me get my breath."¹ He sometimes regretted the loss of his first-born son, "If providence," he exclaimed, "had intended to grant me a period of repose at a reasonable age, it would have left me the son that it gave me twenty-five years ago. The one (Boniface) who is now our only hope, is only fourteen and more of a child than one is at three."²

The bailli had held numerous conversations with Grévin about his nephew and had reached conclusions that were not so pessimistic as those of his brother. "From what Grévin has said to me in several conversations about M. de Pierre-Buffière," he wrote to the marquis, "I do not see that there is anything desperate yet about his case. Perhaps age and reason will straighten it all out. I do not hope that he will ever be a man worthy of you on the side of the heart, but an ordinary man. It is bad enough to place at that notch our denomination that has never been there, but what is to be done about it?"³ The marquis replied by criticizing "Grévin and all the superiors of this miserable fellow" for letting him have his own way.⁴ He never doubted that the failure of his training was due to the inborn badness of his son or the incapacity of his teachers and superiors. As hopeless as the task seemed to be, he must do his duty that he might be without reproach. "As long as I shall live," he wrote in June, 1769, "it will be my duty to follow and to assure the lot of my children and of our house. If I can save this unhappy eldest, I have told you that I would part with the one who is after my own heart and I would give him to you. At fifty, you will have begun the profession of father of a family. . . But, finally, you will see Boniface⁵ this autumn; everything is as yet in the shell, he is nothing. It is necessary to finish his education. We must wait for the other, who would get away from the devil and who has a dozen of them in his body, must keep an eye on him and restrain

¹ Correspondance Générale, VI. 115. The marquis to the bailli, Paris, April 28, 1769.

² *Ibid.*, VI. 130. The marquis to the bailli, Paris, May 18, 1769.

³ *Ibid.*, VI. The bailli to the marquis, Mirabeau, June 2, 1769.

⁴ *Ibid.*, VI. 148. The marquis to the bailli, Paris, June 14, 1769.

⁵ Almost without exception he refers to the younger son as Boniface; the older boy is never called by his name, but is always referred to as "the eldest," "that miserable being," "that unhappy fool," etc.

him, and be sure that the people of this age have only cold praise for honesty in retirement. *I was very much devoted to your father.* I have received so much of that. A well-born child can get on without control, but a slippery subject is not held in check at a distance, when he fears only letters and disapprobation, and he certainly has more people like himself in places of power and credit than his father has."¹

The marquis had evidently found the youth that "could get away from the devil and had a dozen of them in his body" an extraordinary child, even if extraordinarily bad and exceedingly difficult to control. The term "honesty in retirement" refers to the marquis, whose talents were not sufficiently appreciated by the government. The closing expressions of the letter would seem to indicate that the marquis already foresaw the part that public officials might take in the troubles between himself and his son. At Paris, at Saintes, and on the Île de Ré, Mirabeau had given proof of a remarkable power of winning those with whom he came in contact. The fear that the marquis here expressed casts a curious light upon his attitude toward his son. The attitude is certainly not a fair one. The assumption always was that the boy never could amount to anything. In August of this year, while Mirabeau was in Corsica, the marquis represented that his son-in-law, Du Saillant, was pleading in behalf of the absent son. "He does not cease to beg of me," wrote the marquis, "that in case he [Mirabeau] is finally condemned where he is, I should leave him to him [Du Saillant] for a year before shutting him up for good."² At this time nothing had been heard from Corsica. In September the marquis had heard nothing later than the news that Viomenil had embarked, and as no news is good news, he was happy. "I never wake up a sleeping cat,"³ was his concluding observation.⁴

FRED MORROW FLING.

¹ *Ibid.*, VI. 156, 157. The marquis to the bailli, Fleury, June 19, 1769.

² *Ibid.*, VI. 178. The marquis to the bailli, Fleury, August 15, 1769.

³ *Ibid.*, VI. 191. The marquis to the bailli, Fleury, September 5, 1769.

⁴ The most complete accounts of this period of Mirabeau's life that have hitherto appeared are by Montigny, *Mémoires de Mirabeau* (8 vols., Paris, 1834, 1835), I. 274-317; Loménie, *Les Mirabeau* (5 vols., Paris, 1879-1891), III. 20-38; and Guibal, *Mirabeau et la Provence* (2 vols., Paris, 1887-1901), I. (edition of 1901), 72-81.

ST. EUSTATIUS IN THE AMERICAN REVOLUTION¹

SOME islands are, because of their geographical situation, destined by nature to be permanently the home of extensive commerce. Such are Manhattan, Hong Kong, and Singapore. Others are so placed that political circumstances may for a brief period, or during the continuance of a particular war, elevate them into sudden commercial greatness and give them a short but picturesque career of prosperity, while ill winds blow on harbors usually more favored. A familiar example is that of Nassau during the American Civil War. But seldom has an island port had a more meteoric career, or shown a more striking contrast between insignificance in time of peace and resounding prosperity in war-time, than that presented by the little volcanic island of St. Eustatius. Its tale is worth telling, partly on this account, partly on account of the close association of its fortunes with those of the American Revolutionary War, and the important part which it played in enabling our forefathers to sustain that difficult and unequal struggle.

St. Eustatius is a small rocky island near the northeast corner of the West Indian chain. It is neither large nor fertile. Its area is less than seven square miles; and at the time of the Revolution it did not produce more than six hundred barrels of sugar a year.² It had but one landing-place, and its fortifications had never been important. But its relative position was such as to give it, in the hands of the Dutch, exceptional advantages. The ancient British colony of St. Christopher lay but some eight miles to the southeast. Northward, a few miles farther away, lay the French island of St. Bartholomew. St. Croix, a Danish island to the westward, was but little more remote; and beyond, at no great distance, lay St. Thomas and the Spanish colony of Porto Rico, while beyond St. Christopher, to the southeastward, lay intermingled the rich islands belonging to England and to France — Antigua, Guadeloupe, Dominica, Martinique, Barbados, St. Lucia, St. Vincent, Grenada, Tobago. Under the old system of colonial management, typified by the Navigation Acts, each country persisted in the endeavor to monopolize to itself the commerce of its colonies, whether continental or insular. But the Dutch had early been converted to the princi-

¹ A lecture delivered at the Naval War College, Newport, in August, 1902.

² *Gazette de Leyde*, April 6, 1781, p. 7.

ples of colonial free trade. Accordingly St. Eustatius, a free port belonging to a highly commercial nation and set in the midst of English, French, Danish, and Spanish colonies, then rich and prosperous, but managed on the restrictive system which prevailed before Adam Smith, had even in times of peace the opportunity to become an important mart of trade.

When war prevailed between England and France or Spain, and the prohibitions of mutual intercourse between the islands were enforced by vigilant cruisers and eager privateers, the neutral trade of St. Eustatius flourished still more, and drew in a far larger population than that of peaceful days.¹ There can be no better description of its rise than that which Burke gave in the House of Commons.² The island, he said, "was different from all others. It seemed to have been shot up from the ocean by some convulsion; the chimney of a volcano, rocky and barren. It had no produce. . . . It seemed to be but a late production of nature, a sort of *lusus naturae*, hastily framed, neither shapen nor organized, and differing in qualities from all other. Its proprietors had, in the spirit of commerce, made it an emporium for all the world; a mart, a magazine for all the nations of the earth. It had no fortifications for its defence; no garrison, no martial spirit, nor military regulations. Its inhabitants were a mixed body of all nations and climates; not reduced to any species of military duty or military discipline. Its utility was its defence. The universality of its use, the constant neutrality of its nature, which made it advantageous to all the nations of the world, was its security and its safeguard. It had risen, like another Tyre, upon the waves, to communicate to all countries and climates the conveniences and the necessities of life. Its wealth was prodigious, arising from its industry, and the nature of its commerce."

But Burke's remarks, in this speech of 1781, are obviously based partly on the experience of the war then in progress, and have led us into a little anticipation. Let us go back to the beginning of the war, and especially to the days before the French alliance, when as yet the contest was merely one between Great Britain and her revolted colonies and had not widened into a European war. On the whole the best source for a knowledge of doings at St. Eustatius during those early days is the correspondence of Sir Joseph Yorke, British ambassador at The Hague, with the secretaries of state and other officials in London. A large mass of copies from

¹ An anonymous pamphlet of 1778 (whose title I have mislaid) states the agricultural population as 120 whites and 1200 blacks. See also Lord Shelburne's remarks, in Hansard, XXI. 1028.

² Hansard, XXII. 220, 221.

that correspondence is to be found among the manuscripts of President Sparks in the library of Harvard University,¹ and another among the papers of George Bancroft at the Lenox Library. Yorke, who had represented his country in the Netherlands ever since 1751, seems to have had most ample means of secret information as to the doings of Dutch traders. His letters, when combined with such materials as we may obtain from other sources, afford a striking picture of the use made of St. Eustatius by the Americans, and must, I think, convince us that the island played a far greater part in the economy of the Revolution than most persons suppose.

In the first place, the war, and the non-importation agreements which preceded it, had cut off at one blow the supply of British manufactures to the American colonies. It was true that the native American inventiveness would in time supply their place. The mute inglorious "hired man," who could do anything with a jack-knife, the versatile Jonas of Mr. Abbott's fancy, would blossom forth as the Yankee inventor. But this would take time; and in the meanwhile it was very convenient to have in the neutral islands of the West Indies a means of temporary supply and a market for American exports. The trade ventures of states as well as of individuals were often carried on in this way. As early as March, 1776, we find Abraham van Bibber agent of the state of Maryland at St. Eustatius, taking care of cargoes sent or underwritten by the state. In the archives of Virginia there are letters from him, addressed to the Virginia committee of safety. In June of the same year Van Bibber of St. Eustatius and Richard Harrison of Martinique announce that they have formed a copartnership, and solicit from the Virginia committee a portion of their custom.²

After France entered into the war, French carriers and French islands like Martinique became ineligible, and the position of the Dutch neutrals became doubly profitable.³ Merchants of the neighboring British islands tried to keep their goods safe in case of French attack by storing them on St. Eustatius.⁴ John Adams, writing to the president of Congress in 1779, after his return from his first mission to Europe, mentions the growing trade through that island as a reason which may justify the attempt to cultivate closer diplomatic relations with the republic of the United Nether-

¹ Sparks MSS., LXXII.

² *Maryland Archives*, XI. 266, 442, 443, 494, 501, 555; Force, *American Archives*, fourth ser., VI. 905; MS. letters of March 11, 23, 28, June 14, July 25, August 15, 1776, in the Virginia archives.

³ Mr. H. T. Colenbrander, *De Patriottentijd*, I. 114, says that the activity of the Dutch trade to the western world was suddenly doubled by the American Revolution.

⁴ Hannay, *Admiral Rodney*, 152.

lands, relations which he afterwards did so much to promote.¹ The close diplomatic intimacy between Great Britain and Portugal enabled British armed vessels, secure of a shelter in the ports of the latter country, to cruise off the Azores and in other situations well adapted for checking the voyages of French and Spanish vessels to the West Indies;² which of course threw West Indian commerce more and more into the hands of the Dutch and of St. Eustatius. A Dutch rear-admiral, who spent thirteen months there in 1778–1779, reports that 3,182 vessels sailed from the island during the time of his stay.³ A careful English observer declared that in 1779 some 12,000 hogsheads of tobacco and 1,500,000 ounces of indigo came to it from North America, to be exchanged against naval supplies and other goods from Europe.⁴ British traders, too, under the guise of voyages to St. Christopher, embarked in ventures to the neighboring Dutch emporium, careful however to take out separate policies of insurance on the two voyages from England to St. Christopher and from thence to St. Eustatius.⁵ Indeed, in 1780 an act was passed encouraging in some particulars the trade with the neutral islands,⁶ though of course not purporting to countenance in any way the trade thence to the revolted colonies.

Many passages in the diplomatic history of our Revolution show that St. Eustatius was one of the chief, and at times the quickest and safest, means of communication between our representatives abroad and the Continental Congress and its officials at home.⁷ An informant of Lord Suffolk at Rotterdam tells him in March, 1777, that Messrs. Willing and Morris of Philadelphia have written to a Rotterdam merchant, their correspondent, that he can write by way of St. Eustatius, as they will henceforth have regular means of intercourse with that island, while a letter of June succeeding shows that at that time there had for a long while been no direct communication between the United Provinces and the United States.⁸

But such shifting of trade routes is a part of the ordinary fortunes of war. The enrichment of the Dutch West Indies would

¹ *Works*, VII. 104.

² John Jay, in Wharton, *Diplomatic Correspondence*, III. 717, 718.

³ From the journal of Count Lodewijk van Bylandt; J. C. de Jonge, *Geschiedenis van het Nederlandsche Zeewezen*, IV. 384.

⁴ *Nieuwe Nederlandsche Jaerboeken*, 1781, p. 794.

⁵ *Authentic Rebel Papers seized at St. Eustatius*, London, 1781, p. 15.

⁶ Hansard, XXII. 232. The reference is to the Tobacco Act, 20 Geo. III., c. 39.

⁷ *Rev. Dipl. Corr.*, III. 38, 193, 199, 433 (Lovell, Franklin, Jay, 1779); *Annual Register*, 1781, p. 259 (a letter of John Adams, 1780, intercepted near St. Eustatius, also printed in *Rev. Dipl. Corr.*, IV. 193); *ibid.*, IV. 624, 779 (John Adams, 1781, relating to a portion of his correspondence captured when Rodney took the island); *Corr. of the late President Adams*, 258; *Works of John Adams*, VII. 510 (1782).

⁸ Yorke Papers, in Sparks MSS., LXXII., March 21, June 17, 1777.

not necessarily have been a great grievance to the British mind. What excited the English administration to a violent pitch of resentment against St. Eustatius was the fact that it was made the means of an enormous export of military supplies to the American armies, and later of naval supplies to the maritime forces arrayed against England in the Caribbean. It was true that, as early as March 20, 1775, the States General of the United Netherlands, at Yorke's instance, had issued a proclamation,¹ following upon the British Orders in Council of the preceding October,² forbidding the exportation of warlike stores or ammunition to the British colonies in America, or to any place without permission of one of the Colleges of Admiralty. But even before the earlier, or British, prohibition, and before the meeting of the first Continental Congress, the movement had begun.³ By the end of the year 1774 it was noted that there had lately been a prodigious increase in the trade from St. Eustatius.⁴ Two Boston agents were in Amsterdam all that winter buying gunpowder and stores.⁵ After the issue of the Dutch prohibition, Yorke's correspondence shows how early and how constantly it was evaded. The States General and the Council of State had issued it, but the "admiralties," who should have executed it, were not too vigilant.⁶ It is familiar to what straits the Continental army was often reduced for want of gunpowder, and how Congress, in October, 1775, recommended the assemblies and conventions of the states to export provisions to the foreign West Indies in order to get arms and ammunition.⁷

Early in March, 1776, a merchant at Campveere writes Yorke that a favorite way in which to take ammunition to the Americans is to load for the coast of Africa but then go to St. Eustatius, where, says he, "their cargoes, being the most proper assortments, are instantly bought up by the American agents."⁸ Yorke writes to Lord Suffolk, the secretary of state, later in the same month, that

¹ Colenbrander, *De Patriottentijd*, I. 115; *Groot Placcaet Boeck*, IX. 107. The prohibition was for six months; August 18 it was extended for a year. There are translations of these, and of a similar decree of the King of Denmark, in Force, fourth ser., II. 277; III. 156, 942.

² Force, *American Archives*, fourth ser., I. 881; for six months, extended in April, 1775, *ibid.*, II. 277.

³ Yorke to Suffolk, August 5, 26, 1774 (Bancroft MSS.); Dartmouth to Colden, September 7, *N. Y. Col. Docs.*, VIII. 487.

⁴ Yorke to Suffolk, December 30, 1774 (Bancroft MSS.).

⁵ Pearson to Stephens, April 8, 1775, Yorke Papers, *ibid.*

⁶ See also *Hist. MSS. Comm. Reports*, XIV. 10: 334; *Md. Archives*, XI. 156; *Remembrancer*, 1776, II. 32; Colenbrander, I. 115.

⁷ *E. g.*, Washington's *Writings*, ed. Ford, III. 387, 430. *Journals of Congress*, I. 158.

⁸ Yorke Corr., Sparks MSS., March 6, 1776.

the high price of powder is proving a great temptation to the Dutch merchants. Two ships loaded with it were now in the Texel. They were bound for St. Eustatius and were within the letter of the law, but as they sailed for the house of Crommelin, who had been great traders to North America, he has no doubt of their destination, and urges the secretary of state to see to it that a close watch for these contraband cargoes be kept in the West Indies.¹ In April the profit on gunpowder at the island is reported as one hundred and twenty per cent.² Lord³ Suffolk writes to the ambassador that Isaac van Dam, a merchant of the island, is the principal agent of correspondence with the rebels, and that recently, having procured from a trader in Martinique and from a smuggling vessel belonging to Antigua more than 4,000 pounds of powder, he had forwarded it to North Carolina in a Virginian vessel. Afterward he had sent £2,000 to France to buy more powder, to be sent out to North America by way of his island. A little later Van Dam is reported as having said, before his death, that he had carried on this trade on behalf of Frenchmen.³ The Rotterdam merchant already mentioned reports to Lord Suffolk that the last powder sent out, though it cost in Holland but forty or forty-two florins a hundredweight, brought 240 florins a hundredweight at the island; that it is sent disguised in tea-chests, rice barrels, and the like; and that, according to what he hears, eighteen Dutch ships had already gone out this year (this was in May) with powder and ammunition for the American market.⁴ Harrison sends 6,000 pounds from Martinique, and then slips over to St. Eustatius and sends 14,100 pounds more. Ten thousand pounds go to Charleston, ten thousand more to Philadelphia.⁵ Later a single vessel is reported as taking out 49,000 pounds.⁶

Evidently no inconsiderable portion of the powder which the American army shot away, to more or less purpose, in this memorable year 1776, came into its hands in the devious way which has been indicated. In short, Yorke writes to William Eden in this same month of May, St. Eustatius is the rendezvous of everything and everybody meant to be clandestinely conveyed to America. It is easy to get oneself carried thither, and military adventurers of all nations have congregated at the island.⁷ He also mentions

¹ *Ibid.*, March 22, 1776.

² *Ibid.*, April 22.

³ *Ibid.* (and Bancroft MSS.), April 12, May 31.

⁴ *Ibid.*, May 14.

⁵ *Md. Archives*, XI. 494; XII. 171, 268, 332, 423; Force, *Archives*, fourth ser., VI. 612, 905; fifth ser., I. 1025; II. 965; III. 513.

⁶ Yorke Corr., Sparks and Bancroft MSS., August 2, 1776.

⁷ *Ibid.*, May 14, 1776; *Md. Archives*, XII. 236; Stevens's *Facsimiles*, No. 183.

that Dr. Hugh Williamson, who had won his degree at Utrecht and was noted afterward as a member of Congress, has lately been in The Hague, inquiring as to the best means of sending goods to that favored mart.¹ Recent orders from Bordeaux for powder seemed to indicate that means had been found to elude the French ordinances on the subject, as well as those of the Dutch. But Holland, and especially Amsterdam, remained after all the chief source of supply.²

It is not to be supposed that the ambassador permitted these underhand dealings to pass unchallenged. Besides urging increased activity on the part of English cruisers (who, to say truth, were already abundantly aggressive),³ he elicited from the States General's committee of foreign affairs resolutions condemning such traffic, and remonstrated warmly to the pensionary of Holland, who he thought would do all he could.⁴ But the constitution of the Dutch Republic was incredibly complicated, and its system of legislation and execution was so cumbersome and dilatory that hardly by anything short of miracle was it possible to get anything done. Moreover, while most people, he thought, condemned the trade, large numbers were interested in it, the great city of Amsterdam especially so; and Van Berckel, the pensionary of Amsterdam, a statesman of great influence, constantly exerted himself to thwart the ambassador of Great Britain.⁵

The Dutch prohibitions, such as they were, expired in the autumn. The British government, not to be satisfied with a bare renewal, sent a memorial of protest to the States General, and it was supported by the stadholder, the Prince of Orange, nephew of King George and head of the British party.⁶ The States General issued a proclamation forbidding, under the same penalties as before, for one year from October 10, 1776, the exportation of warlike stores or ammunition to the revolted colonies, or in British ships to any place.⁷ But that no great things were expected from this decree, or achieved by it, is evident from Suffolk's suggestion, soon after its passage, that no larger amount of military stores be allowed to be sent to the Dutch West Indies than the average annual export in years before the war, that this amount be consigned to the

¹ Yorke Corr., Sparks and Bancroft MSS., May 31, June 28, 1776.

² Yorke Corr., Sparks MSS., August 9, September 3, October 18, 1776.

³ *Ibid.*, March 6, 22, 1776 (Sparks), April 16 (Bancroft); see the curious episode narrated in *Md. Archives*, XI. 83.

⁴ August 2, October 21, 1776.

⁵ August 29.

⁶ Suffolk to Yorke, September 13; Yorke to Suffolk, September 29, October 1, 11; Colenbrander, I. 120.

⁷ *Groot Placcaet Boeck*, IX. 108.

Dutch colonial governments, and that they be compelled to return an account of its expenditure ; or from the suggestion which Yorke makes to Eden, that since the Dutch make so bad a use of the gunpowder they manufacture, they might be told that, if they continue, orders shall be sent to Bengal not to let them bring home any salt-peter.¹ Yorke writes in a tone of constant exasperation. The trade goes on, mostly in ships lightly armed, with twelve or fourteen guns and from eighteen to twenty-four men and boys, just enough to gain the favor of the underwriters, for they could beat off a small privateer, though not the least of the British sloops. His only satisfaction is in reporting at intervals that the trade is slackening, either because of the activity of the British cruisers in the neighborhood of the island, or because the Amsterdammers have overstocked it, or because of "the glad tidings from Long Island."²

But these satisfactions were short-lived. Some months after, for instance, a British admiral reports that one of his captains has stopped a Dutch ship sailing home from the island to Flushing, with 1,750 barrels of gunpowder. Its master admitted that he had sold at the island 3,000 barrels of powder and 750 stands of arms complete, with bayonets and cartouche-boxes ; but declared that after waiting seven months to sell the rest he was now taking it home. It appeared probable, however, that he was going out beyond the range of the British cruisers to meet a vessel to which he would transfer his remaining stores, and which would take them to the rebels. Indeed the British captain thinks that he has found the very vessel, one sailing in the neighborhood without cargo, whose occupants said that they were cruising for pleasure, fishing and shooting, and selling the surplus of their catch.³

The governor of the island, thought by the English to favor the smugglers, was replaced in the middle of the year by the secretary, Johannes de Graaff ; but the new governor did no better. The port was opened without reserve to American ships.⁴ Van Bibber writes to the Maryland council of safety November 5, 1776, urging them to send all their vessels to St. Eustatius rather than to any other island, "as the Dutch have discover'd that their laws when put in force must ruin their Merchants. I am on the best terms with His Excellency the Governour and have his word and Promise relative

¹ Suffolk to Yorke, October 22, 1776 ; Yorke to Eden, October 25.

² Yorke to Suffolk, May 21, October 22, November 15, December 24, 27, 1776, July 4, 1777 ; Paul Wentworth to Suffolk, Stevens's *Facsimiles*, No. 704.

³ Vice-Admiral Young to Philip Stephens, secretary of the admiralty, Antigua, August 8, 1777, Yorke Corr., Sparks MSS.

⁴ Captain Colpoys to Young, Basseterre, November 27, *ibid.*

to some particulars that gives me great Satisfaction and puts much in our powers. I was not so happy some time agoe, and every bad consequence to apprehend on our new Governour's taking the Command, but we are as well fixed with him now as we were with the former." Two weeks later he writes: "Our Flag flies current every day in the road. The Merchants here are always complaining of Government untill they would give as much Protection and Indulgence here to us as the French and Spaniards do. . . . The Governour is daily expressing the greatest desire and Intention to protect a trade with us here. Indeed they begin to discover their Mistake and are now very jealous of the French's running away with all their trade."¹

Between the dates of these two letters an event occurred which raised British exasperation to the highest point. On the sixteenth of November, 1776, a vessel of the infant Continental navy, the *Andrew Doria*, Captain Isaiah Robinson, flying the flag of thirteen stripes, dropped anchor in the road of St. Eustatius and saluted Fort Orange with eleven guns; and the salute was returned. This has been claimed as the first occasion on which the American flag was saluted in a foreign port.² But a letter written from the Danish island of St. Croix to Vice-Admiral Young, on October 27 preceding, after mentioning the departure of an unnamed American schooner with a small cargo of powder two days before, adds: "But my astonishment was great to find such a Commerce countenanced by Government here. The Vessel went out under Amer" Colours, saluted the Fort and had the compliment returned the same as if she had been an English or Danish ship."³

But the incident at St. Eustatius was more conspicuous. The *Andrew Doria* was a Continental vessel. Van Bibber reported that her commander was "most graciously received by his Honour and all Ranks of People. Its esteemed here by the first Gentlemen a favour and Honour to be Introduced to Capt. Robertson. All American Vessells here now wear the Congress Coulours. Tories sneak and shrink before the Honest and Brave Americans here."⁴ Whatever effect may have been produced on Dutchmen or on

¹ *Md. Archives*, XII. 423, 456; *Force, Archives*, fifth ser., II. 180; III. 513, 759.

² Bancroft, IX. 293; a pamphlet by Hon. B. F. Prescott, secretary of state of New Hampshire, entitled *The Stars and Stripes: The Flag of the United States of America; When, Where and by Whom was it first Saluted?* (Concord, 1876); an article by Rev. Dr. W. E. Griffis, "Where our Flag was first Saluted," in the *New England Magazine*, n.s., VIII. 576 (1893).

³ Letter of October 27, Bancroft MSS.; it was apparently written by a Mr. Kelly and was enclosed in a letter of March 14, 1777, from Lord George Germain to Suffolk, *ibid.*

⁴ *Md. Archives*, XII. 456; *Force, Archives*, fifth ser., III. 759.

Tories by the arrival and the reception of the *Andrew Doria*, it roused the president of St. Christopher to vivid indignation. Summing up in one angry remonstrance the various violations of neutrality which he had observed from his neighboring island, and commenting with especial severity upon the salute, he sent the document solemnly to De Graaff by the hand of a member of his council. At the same time he sent indignant representations to the secretary of state in London, fortified by affidavits, some of which are curious. One of them is from a Barbadian student at Princeton, John Trottmann, who during a vacation at Philadelphia, while walking late one evening with a fellow-student, was seized by a press-gang, hurried on board the *Andrew Doria*, and carried away to St. Eustatius. Another was from one James Fraser, gentleman, who testified with great clearness as to the lowering of the Dutch flag on the fort, the salute with nine guns in response to the eleven fired by the American brigantine, and the common talk that this had been done by the governor's order.¹ President Greathead also commented severely on the open encouragement and protection which the rebels received at the Dutch island, the constant equipping and fitting-out of privateers to prey on British commerce, and especially on the incident of the sloop *Baltimore Hero*, said to be half-owned by Abraham van Bibber, and flying the flag of the Continental Congress, which on November 21, almost within range of the guns of Fort Orange, had taken a British brigantine and then returned to the road of St. Eustatius, with flag flying, and there received every sign of aid and protection.²

But, after all, the greatest offense was the salute, or, as Lord Suffolk put it, the honor paid to a rebel brigantine carrying the flag

¹ The chief source of information on the episode, and on De Graaff's conduct generally, is a voluminous Dutch "blue book" of 1779, which Dr. Griffis has been so kind as to lend to me, and which is entitled *Missive van Repraesentant en Bewindhebberen der Westindische Compagnie, met eene Deductie en Bylaagen van den Commandeur de Graaf op St. Eustatius tot sijne Verantwoording, etc.* It contains De Graaff's defense, a report to the States General by a committee of the West India Company appointed to consider it, and more than a hundred and fifty pertinent documents. Several of the more important of these had been printed in the *Nederlandsche Jaerboeken* for 1777, and translations of these are given in Mr. Prescott's pamphlet, already mentioned. In this will be found, accordingly, versions of Greathead's letter of December 17, 1776, to Governor de Graaff, the latter's reply of December 23, a second letter from Greathead, December 26, the affidavits of Trottmann and Fraser, and Greathead's letter of December 31 to Lord George Germain.

² *Missive en Deductie*, 98-102. Yet when an American ship at St. Eustatius was seized by two of her crew while her captain was ashore, and was given up within sight of the island to a British cruiser, which took her to Nevis and sold her, Yorke remarks (to Suffolk, April 19, 1776) that "it is a little singular that the governor should presume to complain of it" (Sparks MSS.). We have the same story from the American captain's point of view in *Md. Archives*, XI. 83.

of the rebel Congress, and the governor's insolence and folly in replying to the remonstrance of the president of St. Christopher that he is "far from betraying any partiality between Great Britain and her North American colonies."¹ Such conduct from the representative of a state allied to Great Britain by several treaties was not to be overlooked. The secretary of state sent over to Sir Joseph Yorke a memorial which was forthwith presented to the States General, but which was conceived in a peremptory style not usual in the mutual communications of friendly states. After recounting in warm terms Governor de Graaff's connivance at the illicit trade and at the fitting-out of privateers, and the final outrage of returning an American salute, the minister declares that he is ordered "to expressly demand of your High Mightinesses a formal disavowal of the salute by Fort Orange, at St. Eustatia, to the rebel ship, the dismissal and immediate recall of Governor Van Graaf, and to declare further, on the part of His Majesty, that until that satisfaction is given they are not to expect that His Majesty will suffer himself to be amused by mere assurances, or that he will delay one instant to take such measures as he shall think due to the interests and dignity of his crown."²

In fact, the measures deemed appropriate had already been taken. Six days before the memorial had been presented at The Hague the lords of the admiralty had been instructed³ to order the commander-in-chief on the Leeward Islands station to post cruisers off the road of St. Eustatius, search all Dutch ships for arms, ammunition, clothing, or materials for clothing, and send those ships which were found to contain such things into some port of the Leeward Islands, there to be detained till further orders; and these injunctions were maintained for six weeks.⁴

But the Dutch Republic, with the party of Amsterdam and the party of Orange, the French party and that of England, straining its unwieldy governmental machinery in opposite directions, was in no condition to resent effectively the tone of English memorials. Their reply⁵ disavows their governor's actions in so far as they might seem to imply a recognition of American independence, and

¹ Suffolk to Yorke, February 14, 1777 (Sparks MSS.).

² The memorial, presented February 21, 1777, is printed in Hansard, XXI. 1079; in the *Annual Register* for 1777, p. 289; and in the *Remembrancer* for the same year, p. 92. See the comments of Thomas Townshend in Hansard, XXI. 1086. Mr. Colenbrander says that the papers of the Public Record Office show that these menacing words were penned by the British government, not by Yorke himself as was thought at the time.

³ Suffolk to the lords of the admiralty, February 15; Yorke Corr., Sparks MSS.

⁴ Suffolk to the lords of the admiralty, March 29, 1777, recalling the previous instructions and ordering that the Dutch ships which had been detained be restored.

⁵ *Annual Register*, 1777, p. 291; *Remembrancer*, 1777, p. 93.

they required him to come home and explain his conduct. He was more than a year in coming, pleading age, the fear of seasickness, the recent illness of his family and himself;¹ and meanwhile the salutes went on.² The other provinces were persuaded to put pressure upon Holland.³ Rear-Admiral Count Bylandt, sent out as commander-in-chief of a convoying squadron, and temporarily superseding De Graaff in matters of marine, watched more closely over the execution of the neutrality laws—though Lord Macartney, governor of Grenada, thought that “To see a man of Count Bylandt’s Birth and Quality receive a board his Flag Ship the Masters of Rebel Privateers with all the attention and civility due to their equals in regular service excites one’s pity and contempt.”⁴ St. Eustatius proved very useful to the Windward Islands in a time of scarcity; and the secretary of state notified the ambassador that the British would not take any more Dutch ships unless they had naval or warlike stores on board.⁵

In July, 1778, De Graaff at last reached home. Called upon to defend his whole course as governor, so far as it related to the North American colonies, he presented in February a verbose *apologia pro vita sua*, in which he endeavored to clear himself of all the accusations raised by Greathead and Yorke. He declared that he had never connived at trade in munitions of war; that the *Baltimore Hero* had not been fitted out at the island, but by the council in Maryland; that her prize was not made within the range of his guns, but much nearer to St. Christopher; that the salute of the *Andrew Doria* had, by his orders, been returned with two less guns than she fired, that this was the usual return-salute to merchant vessels, and implied no recognition of American independence; that on accusation by Vice-Admiral Young against Van Bibber, as concerned in fitting out privateers, he had placed the latter under civil arrest, but that he had escaped before the arrival of a demand backed by proper affidavits; that it had been his custom to require incoming American vessels to give bonds for due observance of neutrality while in the port; that he had compelled all persons on the island possessing gunpowder to take oath that they would not export it

¹ Yorke to Suffolk, September 2, October 7, 1777, January 13, 1778; *Missive en Deductie*, 3-5; Wentworth to Suffolk, September 2, 1777, in Stevens’s *Facsimiles*, No. 191.

² Yorke to Eden, July 4, 1777.

³ Yorke to Suffolk, November 7, 1777.

⁴ *Id.*, August 25, 1778; De Jonge, *Geschiedenis van het Nederlandsche Zeewezen*, IV. 383; *Missive en Deductie*, 79; Suffolk to Yorke, August 28, 1778, and Macartney to Germain, April 10, 1779 (Bancroft MSS.).

⁵ Burke, in *Hansard*, XXII. 233; petition of the West India planters and merchants, in *Gazette de Leyde*, April 27, 1781, p. 3; Suffolk to Yorke, September 29, 1778.

to North America; and that he had appointed a customs clerk visitor of ships in order to find arms if any were illegally carried.¹ A committee of the directors of the West India Company, appointed to hear his defense, reported to the States General that it was perfectly satisfactory, and that the facts which he had adduced showed that there was ground of complaint rather against the British commanders for their conduct toward the Dutch settlements and subjects in the West Indies than against the latter.² De Graaff went out again as governor, and conducted himself so acceptably to the Americans that two of their privateers were named after him and his lady;³ and his portrait, presented sixty years afterward by an American citizen grateful for the "first salute," hangs in the New Hampshire state-house.⁴ Of his defense no more need now be said than that an observance of neutrality which gave to the one beligerent such absolute contentment and to the other such unqualified dissatisfaction can hardly have been perfect.

Accordingly, when Sir George Rodney, sent out to command on the Leeward Islands station, arrived in the West Indies in the spring of 1780, the situation was still exceedingly strained. Rodney declared with conviction that after his ineffectual fight with Guichen off Martinique on April 17, 1780, two vessels loaded with cordage and naval stores and filled with carpenters went out from St. Eustatius, joined the shattered French fleet under Barbuda, and gave such assistance as enabled eight of their vessels, which must otherwise have borne away for St. Domingo, to keep company with their fleet.⁵ He seems at that time to have conceived a deep feeling of hostility against the island. "This rock," he afterward declared, "of only six miles in length and three in breadth, has done England more harm than all the arms of her most potent enemies, and alone supported the infamous American rebellion."⁶ In August, after he had sailed to New York, Captain Robinson, one of his offi-

¹ *Missive en Deductie*. His defense fills pp. 3-98, his appendix of documents pp. 99-344.

² *Ibid.*, I, 2. See also the Dutch counter-manifesto of March 12, 1781, in Wharton, *Revolutionary Diplomatic Correspondence*, IV, 307.

³ Mundy's *Life and Correspondence of Lord Rodney*, II, 46; Stevens, *Facsimiles*, No. 732, anonymous letter to Eden, Philadelphia, September 1, 1780: "This day arrived the Ship call'd Governor De Graff Cap^t Lyle of this Port from St. Eustatias."

⁴ The correspondence regarding it (1837) is in Mr. Prescott's pamphlet; it was copied in Surinam from a painting owned there by De Graaff's grandson.

⁵ Mundy, II, 30; Colenbrander, I, 120, 124. Mr. Colenbrander prints in an appendix, I, 383, a characteristic letter of advice written by Frederick the Great to his niece, the Princess of Orange, May 31, 1779, in which he says, "Il faut . . . favoriser les François dans les bagatelles, comme de bien approvisionner votre île de St. Eustache, pour leur rendre de là les comestibles dont ils peuvent avoir besoin en Amérique."

⁶ Rodney to Lady Rodney, Mundy, II, 97.

cers, seized several American vessels under the very guns of the fort on the Dutch part of the little island of St. Martin, and threatened to burn fort and town if any resistance were made.¹ De Graaff represented that the loss would be great if the English persisted in the new stringency which Rodney seems to have introduced; and private letters from St. Eustatius said that numbers of the Americans settled there had left the place for fear of being seized, the governor declaring that he could not protect them.² Then came the great hurricane of October, 1780, which destroyed between four and five thousand people and nearly if not quite all the dwelling-houses in the town.³

But the time had now come when the Dutch West Indies were to be drawn, even more intimately than hitherto, into the widening circle of the European war. The feeling between England and Holland, owing to the position of the Dutch as the chief neutral carriers during the war which England was waging against France, Spain, and the United States, and to the inevitable disputes as to the doctrine that "free ships make free goods"—a doctrine here complicated by treaty stipulations between the two states—was rapidly growing worse and worse. At the same time the Armed Neutrality of 1780 was arraying the northern powers of Europe in diplomatic hostility against England. The Netherlands government seemed likely to accede to it. It was feared that, if a breach with the Dutch came, it would come on a ground that would compel the northern powers to make common cause with them and enlarge to the most fatal completeness the circle of England's foes. At this juncture the capture of Henry Laurens and the discovery among his papers of a projected Dutch-American treaty afforded a pretext for forcing hostilities. The paper was but a draft, unexecuted and unauthorized; but it was signed by an agent of the Continental Congress and an agent of the hated city of Amsterdam. Two peremptory memorials were presented to the States General by Sir Joseph Yorke, demanding a formal disavowal of the conduct of the magistrates of Amsterdam, "a prompt satisfaction, proportioned to the offence, and an exemplary punishment on the pensionary Van Berkel and his accomplices, as disturbers of the public

¹ Yorke to Lord Stormont, October 6, 1780; correspondence of the States General, in Sparks MSS., CIII.; their resolutions of November 16, in *Annual Register*, 1780, pp. 374, 375; their counter-manifesto of March 12, 1781, *Rev. Dipl. Corr.*, IV. 308; *Authentic Rebel Papers*, 22; *Writings of James Madison*, I. 68.

² Yorke to Stormont, October 13, 1780; Stevens, *Facsimiles*, No. 732; John Adams thought that the amount of American property remaining on the island at the time of its capture was not great; *Correspondence of the late President Adams*, 422.

³ *London Chronicle* of January 6-9, 1781, pp. 31, 32; *Annual Register* for 1780, p. 298.

peace and violators of the law of nations."¹ So threatening was his tone that insurance to St. Eustatius at once rose to twenty or twenty-five per cent.²

The disavowal was promptly forthcoming. But under the decentralizing Dutch constitution it was even more difficult for the States General to find means of punishing the magistrates of a particular city, and that the most powerful, than it is for the government of the United States to inflict punishment for the murder of Italians in New Orleans. Their reply to the demand for satisfaction and punishment was deemed so dilatory and evasive that the British ambassador was ordered to quit The Hague, and on December 20, 1780, his government, justifying itself in a bold manifesto, declared war against the Netherlands.³ So rich a nation, with a constitution so little adapted to rapid and effective preparation for war, afforded an easy prey; before Yorke had left the The Hague two hundred Dutch ships had been seized, with cargoes valued at fifteen million florins.⁴

But even before he had presented his first memorial he had directed the attention of the secretary of state to the rich opportunity afforded by the Dutch colonies in America. On November 7 he wrote to Lord Stormont: "But it is in the West Indies that the most immediate reprisal might be made, and which would affect them the most, because it is the golden mine of the moment, and in the working of which the greatest numbers are actually employed. It is sufficient to cast an eye upon the Custom House lists of the Rebel Ports in North America, to see what is carrying on through St. Eustatius, Curaçao and other Dutch settlements, but above all the former. What the defence of that place is, anybody can tell who has ever been at St. Kitts; and the panic the seizing of the Rebel ships at St. Martin's struck those of St. Eustatius with, proves sufficiently what the inhabitants themselves thought of it. As these places, but St. Eustatius in particular, are the channels of correspondence and connection with North America, the conduct of

¹ Memorials of November 10 and December 12, 1780, in *Annual Register* of that year, pp. 373, 375; Hansard, XXI. 978, 979; *Remembrancer*, X. 333.

² Adams, *Works*, VII. 329.

³ Manifesto in *Annual Register*, p. 376; Hansard, XXI. 968; *Rev. Dipl. Corr.*, IV. 219. Counter-manifesto of the States General, March 12, 1781, *Gazette de Leyde* of March 20; translated in *Annual Register*, 1781, p. 293, and *Rev. Dipl. Corr.*, IV. 306.

⁴ Colenbrander, *De Patriottentijd*, I. 153, says that in 1778 Great Britain had, of ships of sixty guns and more (then the essential instruments of naval warfare), 122, France 63, Spain 62, the Netherlands 11. See also p. 191 *ibid.* As late as May 17, 1781, a Dutch captain, meeting in the North Atlantic three homeward-bound ships of the Dutch West India Company, gave them their first intimation of the existence of war with England; *Gazette de Leyde*, June 29, p. 4.

Amsterdam upon the present occasion, after the proofs produced of its treachery, seems to justify the taking possession of it as a dépôt, declaring not to mean to keep it, or prevent the lawful trade between that place and the mother country, but only to cut off the intercourse between Amsterdam and His Majesty's enemies and rebellious subjects, till satisfaction is given for the past, and security for the future." He added that he had heard that ten or eleven Dutch men-of-war were to sail for the West Indies in two or three weeks, so that it would be best to act soon, in order, as he naïvely says, to avoid the charge of aggression ("if that is worthy consideration in matters of such magnitude") or the necessity of an attack on the ships of the States General.¹

The ambassador's hint was not lost upon the secretary. The portion of his letter relating to St. Eustatius was forthwith transmitted to the admiralty for their guidance.² On the fifth of December Stormont informs Yorke that he is preparing "to send secret orders to seize the Dutch settlements in the West Indies."³ On December 20, the same day on which war was declared, orders were sent to Rodney and to Major-General Vaughan, commander-in-chief of the land forces in the West Indies, to make immediate conquest of the Dutch islands, beginning with St. Eustatius and St. Martin.⁴ How great an importance was attached to the matter may be seen from the declarations of Lord Stormont in the House of Lords a few weeks later, during the debate on the Dutch war. After dwelling upon the enormities of the illicit trade, he said that the Dutch had supplied the rebels with the means of continuing their resistance till France, and afterwards Spain, took a public part in the quarrel, and he declared that "he was persuaded, upon the best information, that we should never have been in our present situation, were it our good fortune that St. Eustatia had been destroyed or sunk in the ocean."⁵ The confident statement of Lord George

¹ Yorke to Stormont, November 7, 1780; Bancroft and Sparks MSS. This letter is printed by Colenbrander in an appendix, I. 388, 389. The British government had asked Yorke for suggestions; *ibid.*, 190.

² Bancroft MSS.

³ *Ibid.*

⁴ Instructions of the lords of the admiralty, in Mundy, II. 6; in Brown, *Reports of Cases in Parliament*, II. 424; and in *Letters from Sir George Brydges, now Lord, Rodney to his Majesty's Ministers, etc., relative to the Capture of St. Eustatius and its Dependencies*, 1789, p. 5. As most of the letters given in this book (of which there was an earlier and less complete edition, 1787, privately printed and very rare,—not in Sabin) are reprinted in Mundy's *Rodney*, and as the latter is much more accessible, I shall refer to the former only for letters which are not to be found in Mundy, or for passages which Mundy, who seems to have taken considerable liberties with his texts, gives in a different form.

⁵ Hansard, XXI. 1004, January 25, 1781. The *Gazette de Leyde* of March 23, p. 7, comments on the obvious connection between these expressions of the secretary of state and the subsequent events.

Germain, that the town had reached such a state of commercial importance that the annual rent of its houses and warehouses amounted to a million sterling,¹ would hardly seem credible were it not supported by Rodney's declaration that the lower town, a range of storehouses about a mile and a quarter in length, had been "let at the enormous sum of twelve hundred thousand pounds per annum."²

Rodney had left Sandy Hook in the middle of November, and arrived at Barbados on December 6.³ During his absence and after his return the control of neutral commerce was vigilantly maintained. In October an English privateer, after a half-hour's fight, took an American vessel out of the road of St. Eustatius.⁴ Early in January three others seized ten vessels laden with sugar and coffee and cotton, which were sailing from the French islands to St. Eustatius and St. Croix under the convoy of a Danish frigate.⁵ In the middle of the month Admiral Rodney made his ineffectual attack on St. Vincent. Before the year ended he was joined by Rear-Admiral Sir Samuel Hood with large reinforcements. At Barbados, on January 27, he received the declaration of war and his secret orders. Embarking the troops under Vaughan, he sailed from St. Lucia on the thirtieth. After a feint at Martinique, he appeared before St. Eustatius on February 3 and demanded the instant surrender of the island and all that it contained.⁶

The blow, as Rodney said, "was as sudden as a clap of thunder," and wholly unexpected. A Dutch frigate, which had arrived but two days before, had brought no news of war. As a naval exploit the capture has no interest. There was no possibility of defense. The fortifications were such as Lord Stormont had described. The garrison numbered only fifty or sixty men.⁷ The naval force in the harbor consisted of the frigate already mentioned, of thirty-eight guns, and five smaller American vessels, of from twelve to

¹ Hansard, XXII. 246, House of Commons, May 14.

² Mundy, II. 94, 95; *Historical MSS. Commission Reports*, IX. 3: 112.

³ Mundy, I. 447, 448.

⁴ Letter of October 31, 1780, from St. Eustatius, in *Gazette de Leyde*, February 27, 1781, p. 8.

⁵ *Gazette de Leyde*, March 13, p. 5; April 17, p. 1.

⁶ Rodney's reports to the admiralty and the secretary of state, and his letter to Lady Rodney are given in Mundy, II. 9-27. Some additional particulars respecting the capture may be obtained from Vaughan's reports, which (with Rodney's) are printed in the *London Chronicle* of March 13-15, p. 249. The *Gazette de Leyde* of May 15, pp. 5, 6, and the *Nederlandsche Jaerboeken*, 1781, pp. 807-813, present a sort of diary of the events from February 3 to February 22, kept by a Dutch supercargo at St. Eustatius. Count Bylandt's report to the stadholder, February 6, is in the *Gazette* of March 27, p. 8, and in the *Jaerboek* at p. 787. See also the *Annual Register* of 1781, pp. 101, 102, and De Jonge, IV. 458-468.

⁷ Burke, in Hansard, XXII. 221, 772.

twenty-six. It would seem that a naval force of fifteen ships of the line and several frigates, accompanied by 3,000 land troops, was an ample one with which to reduce a place so defended. At all events, Governor De Graaff thought so; and, being given an hour in which to surrender unconditionally, he did so. Count Frederik van Bylandt, commanding the frigate, demanded for his honor's sake that there should be some firing. After two broadsides in return, he also surrendered. The Americans on the island made an offer to the governor to defend it, and a large body of American sailors retired to the interior and made a show of resistance; but hunger and Vaughan's troops soon compelled them also to surrender at discretion.¹ St. Martin and Saba presently yielded to a detachment of the British forces.² Learning that a rich convoy of twenty-three merchant vessels,³ under the protection of a sixty-gun Dutch ship, had sailed homeward from the island about thirty-six hours before his arrival, Rodney sent after it another detachment, and the whole convoy was captured after a brief engagement, in which the Dutch rear-admiral was killed—the first Netherlander slain in the war.⁴ With stratagem perhaps not illegal but certainly not glorious, the Dutch flag was kept flying over the town and fort, in order that Dutch, French, Spanish, and American vessels, ignorant of the capture and perhaps of the war, might be decoyed into the roadstead and seized as a part of the spoils.⁵

But if the capture of St. Eustatius was not glorious, undoubtedly it was lucrative. Rodney himself was surprised at the magnitude of the spoil. "The riches of St. Eustatius," he wrote to his wife, "are beyond all comprehension; there were one hundred and thirty sail of ships in the road," besides the war-vessels. The convoy which had been overtaken by his subordinates was valued at more than half a million pounds sterling. "All the magazines and store-houses are filled, and even the beach covered with tobacco and sugar." A convoy from Guadeloupe was brought in. There was scarcely a night without an additional American capture. March 26 the admiral reports, "Upwards of fifty American vessels, loaded with tobacco, have been taken since the capture of this island;" and the letters found on board proved that their whole

¹ Letter in *London Chronicle* of March 24-27, p. 292.

² February 5, according to the documents in the *London Chronicle*, March 13-15, p. 250; but mentioned in Rodney's despatch of February 4, Mundy, II. 12.

³ An inventory of the cargo is in *Nederl. Jaerboeken*, 1781, p. 1228.

⁴ Report of Captain van Halm to the stadholder, *Nederl. Jaerboeken*, pp. 1392-1394; also pp. 789, 792.

⁵ See the *Gazette de Leyde*, April 27, 1781, for the severe comments of the *Gaceta de Madrid*. The Dutch flag was kept flying more than a month after the surrender; letter of March 4 from St. Eustatius in the *Gazette de Leyde* of May 8, p. 3.

outfits, everything save hulls and masts, had been obtained through St. Eustatius. The island, said Lord George Germain, was a vast magazine of military stores of all kinds. Several thousand tons of cordage had been found, though Rodney complained that he had been unable to procure any for his needs, and had been told that there was none to be had. Altogether, the value of the capture was estimated by sober authorities at more than three million pounds sterling. Besides the other inhabitants of all nations more than two thousand American merchants and seamen were secured.¹ It was a pardonable exaggeration if the admiral, in the flush of victory, wrote to his wife that "There never was a more important stroke made against any state whatever."²

How profound an impression the disaster made upon public opinion in Holland may be seen from what John Adams, an eyewitness, reports to Secretary Livingston: "You can have no idea, sir, no man who was not upon the spot can have any idea, of the gloom and terror that was spread by this event. The creatures of the court openly rejoiced in this, and threatened, some of them in the most impudent terms. I had certain information, that some of them talked high of their expectations of popular insurrections against the burgomasters of Amsterdam and M. Van Berckel; and did Mr. Adams the honor to mention him as one that was to be hanged by the mob in such company."³ In England, on the other hand, there was great exultation. The guns of the Tower were fired, and the government stocks rose one and a half per cent.⁴ George Selwyn noted the joy which prevailed at White's.⁵ "Your express," wrote Lady Rodney, "arrived on the morning of the 13th (March). My house has been like a fair from that time till this. Every friend, every acquaintance came. I went to the drawing-room on Thursday following. It was more crowded than on a birthday; and the spirits which every one was in was enlivening to a degree, and the attention and notice I received from their Majesties were sufficient to turn my poor brain. . . . This glorious news has been a thun-

¹ Mundy, II. 11, 15, 18, 19, 21, 67, 77; Hansard, XXII. 244, 245; *Annual Register*, 1781, p. 102; *Letters from Sir George Rodney*, p. 161. Some of the intercepted letters were presently printed in a pamphlet entitled *Authentic Rebel Papers seized at St. Eustatius*, 1781; but though relied upon by their editor (shortly before Yorktown) to prove the inability of America to continue the contest, they are of slight importance; and indeed the first and longest of them bears marks of spuriousness. Their genuineness was questioned by a contemporary reviewer in the *Monthly Review*, LXV. 382. Burke offered to prove that the alleged scarcity of cordage had been real, Hansard, XXII. 776, 777; but the evidence seems to point the other way.

² Mundy, II. 25.

³ Adams's *Works*, VII. 417, 523.

⁴ *London Chronicle*, March 10-13, 1781, p. 248.

⁵ *Historical MSS. Commission Reports*, XV. 6: 472.

derbolt to the opposition, very few of whom appeared in the House of Commons. Negotiations towards peace had been talked of for some time before its arrival, and it cannot fail to produce a favourable effect upon them."¹ Rodney was raised to the peerage, and a pension of two thousand pounds per annum was bestowed upon him.²

It next remained to be seen what the admiral, and the general who was associated with him in the command, would do with their great prize; and indeed this is the most instructive portion of the story. Of the temper in which he approached his task Rodney has left no doubt. "A nest of vipers," he called the island, "a nest of villains; they deserve scourging, and they shall be scourged." "This island has long been an asylum for men guilty of every crime, and a receptacle for the outcast of every nation; men who will make no scruple to propagate every falsehood their debased minds can invent." "We thought that this nest of smugglers, adventurers, betrayers of their country, and rebels to their king, had no right to expect a capitulation, or to be treated as a respectable people; their atrocious deeds deserve none, and they ought to have known that the just vengeance of an injured empire, though slow, is sure." He hoped to leave the island, "instead of the greatest emporium upon earth, a mere desert, and only known by report." His exasperation was greatest against the British merchants of the island, and especially against those who, for the better prosecution of the illicit trade, had made themselves Dutch burghers.³ Indeed, many passages in his correspondence show that he had formed a low opinion of the rectitude and patriotism of most of the West Indian subjects of the English crown—a turn of mind which, ill concealed, was destined to react unfavorably on the success of the British naval operations in the months succeeding. Whether the admiral was from the beginning moved to additional severity by eagerness for personal gain is more doubtful. On the one hand his earliest letters uniformly declare that all is the King's; that he does not look upon himself as entitled to a sixpence.⁴ On the other hand his pecuniary embarrassments are a matter of history; it is not three days before

¹ Mundy, II. 51.

² Mundy, II. 62; *Letters of Sir George Rodney*, p. 100*.

³ Mundy, II. 13, 97; *Letters of Sir George Rodney*, 29, 84, 85, 98. An amusing illustration of the possibilities of British trade may be derived from the story told in the *Nederlandsche Jaerboeken*, 1781, p. 791, that Hood, who had missed twelve large merchantmen from his convoy as he neared the West Indies, had found them in the road of St. Eustatius when the island was captured, busily engaged in transferring their cargoes to American vessels. Also in Hannay, *Letters of Sir Samuel Hood*, p. xxiii, from Beatson.

⁴ Mundy, II. 13, 16; *Letters*, 94*, 98* (February 4, 7).

he conveys a decided hint to the admiralty under the form of a request that "if his Majesty is graciously pleased to bestow any part of" the spoil "between the navy and army, he will dictate in what manner his gracious bounty may be bestowed, that all altercations and disagreements may be prevented between" the two services; and various passages in his letters to Lady Rodney betray a serious anxiety as to his debts.¹

Begun in the spirit of boundless exasperation, the measures of the British admiral were summary and sweeping. Briefly, it was decreed that all the inhabitants of St. Eustatius were to be held as prisoners of war, and all the property found there was to be confiscated to the King;— as Burke phrased it, "a general confiscation of all the property found upon the island, public and private, Dutch and British; without discrimination, without regard to friend or foe, to the subjects of neutral powers, or to the subjects of our own state; the wealth of the opulent, the goods of the merchant, the utensils of the artisan, the necessities of the poor, were seized on, and a sentence of general beggary pronounced in one moment upon a whole people."² The admiral enjoined that there should be no plundering; that neither officers nor men should go ashore from the fleet; and that none of the English inhabitants of the Leeward Islands should approach the doomed town; that all the naval stores should be sent to the government shipyards at Antigua; that the provisions designed for St. Domingo should be despatched to Jamaica; that all the goods of European origin should be sold publicly for the King; that all the rich stores of West Indian and American produce should be sent to England under convoy; and that the "lower town" should be destroyed or unroofed, and the materials sent to the devastated islands of Barbados, St. Lucia, and Antigua.³

Communication with the Windward Islands by flags of truce, grossly abused in the preceding war, was strictly forbidden.⁴ Prisoners of war were at the admiral's mercy. Samuel Curzon, who had been the local agent of Congress since the beginning of the war, and Isaac Gouverneur, Jr., who of late had been his partner,

¹ Mundy, II. 21 (February 10), 98, 139, 140.

² Hansard, XXII. 221, 222.

³ Mundy, II. 11–13, 16, 24, 30, 68, 88, 89, 92, 421; *Letters*, 94*, 97*, 98*, 108; *Gazette de Leyde*, May 8, p. 4. Probably the lower town was not actually destroyed, as we find Rodney, as late as April 21, soliciting permission to destroy it; Mundy, II. 94, 95. The secretary of state ordered the provisions to be sent to the British army in North America; *Letters*, 99; but they are said to have been conveyed to the French after Rodney's departure; Mundy, II. 423.

⁴ Mundy, II. 33, 35; *Letters*, 21, where Rodney says that in the previous war the ordinary price of a flag of truce was fifty johanneses.

were sent as prisoners of state to England, where they were committed for high treason, but released by the Rockingham ministry after a rigorous confinement of thirteen months.¹ The French merchants were treated somewhat better than the others, partly, it may be supposed, because it was impossible wholly to escape remembrance of the considerate behavior of the French at the capture of Grenada, partly because of the warm remonstrances and threats of the Marquis de Bouillé, governor of Martinique, and of Durat of Grenada. They were to be sent away in cartel vessels to Martinique and to Guadeloupe, taking with them their household furniture, plate, and linen, and their numerous domestic slaves. The governor, the Dutch, American, Bermudian, and British merchants were also to be allowed or compelled to retire, taking with them their household goods. Only the sugar-planters were to be treated with positive favor.²

In the execution of these drastic decrees much hardship was naturally caused. The secretary of the island declared that the English acted like robbers.³ The warehouses were locked; the merchants were denied permission to take inventories; all their books and papers were seized; and their cash was taken from them.⁴ A Dutch supercargo who chanced to be at the island, and who kept a sort of diary of the first three weeks after the capture, gives us a vivid picture of the searchings of portmanteaus and pockets, the digging in gardens for hidden specie, the destruction of houses, the seizing of negroes, the appropriation of riding-horses by the officers, and the daily work of shipping the goods and sending away the inhabitants in companies, nation by nation.⁵ The remonstrances of the assembly of St. Christopher, presented to Rodney by its solicitor-general, was treated with contempt.⁶

¹ Mundy, II. 39; *Rev. Dipl. Corr.*, IV. 405, 624, 708; *London Chronicle*, July 24-26. Both, in 1777, called themselves Dutch subjects; *Missive en Deductie*, p. 155. A letter from Curzon to the president of Congress, dated London, May 13, 1782, and preserved at the department of state (Chapter A, No. 78, VI. 99), describes their losses and sufferings — and asks for a consulate. On Gouverneur, see also Hansard, XXII. 773, 781. A son of President Witherspoon was also among the prisoners; *Rev. Dipl. Corr.*, IV. 708, 847.

² Mundy, II. 32, 44-46; correspondence with Bouillé, *ibid.*, 71-75. All the French left the island March 24, the Americans a few days later. They had been detained lest they should return to America and give warning. *Ibid.*, 69.

³ Secretary A. Le Jeune to the greffier of the States General, June 27, in *Corr. St. Gen.*, Sparks MSS., CIII. His arrival is noted in *Gazette de Leyde*, July 3, p. 4.

⁴ *Gazette de Leyde*, April 17, p. 1, May 8, p. 4; *Nederlandsche Jaerboeken*, 1781, pp. 1225-1227, 1994; Hansard, XXII. 221-223.

⁵ *Gazette de Leyde*, May 15, pp. 5, 6; *Nederlandsche Jaerboeken*, 1781, pp. 807-813.

⁶ One of the St. Christopher remonstrances is reprinted, from an island newspaper, in the *Gazette de Leyde* of May 8, p. 3; they are commented on by Burke in Hansard, XXII. 227, 228.

The hardest measure of all was meted out to the Jews. Not only were they deprived of their property and laid under sentence of banishment, but they were given but a day's notice for their departure, and were told that they were to go without their wives and children. They assembled the next day, to the number of 101. Forthwith they were confined in the weigh-house and strictly guarded. They were stripped, and the linings of their clothes ripped up in search of money. Eight thousand pounds sterling were obtained in this way. One of these Jews, from whose clothing 900 johanneses were taken, was a Newport Jew named Pollock. Having imported tea contrary to the command of the Rhode Islanders, he had been driven from the island with loss of all his property. Sir William Howe had given him the opportunity for a fresh start, on Long Island, but again the Americans had fallen upon him and despoiled him; and now for the third time he suffered loss of all his property, though this time the blow was inflicted by the agents of his own government.¹

It was inevitable that such wholesale devastation should excite the indignation of Europe, especially since most of Europe was at war with England or sympathized with her enemies. It was quickly taken up by the West India merchants in London, who held a meeting, sent a committee to interview Lord George Germain, and presented to the Crown an able but ineffectual petition.² Even the Amsterdam merchants sent over a remonstrance, though those of Rotterdam refused to sue for justice of the public enemy.³ It was also made the subject of a warm attack in the House of Commons, an attack illuminated by the genius of Edmund Burke. Upon motions for an inquiry into the conduct of the chief commanders, the whole affair was debated in May, and again in December, when Rodney and Vaughan, who were members of the House, were able to be present.⁴ Burke had no difficulty in showing that a wholesale confiscation of private property found in a captured place was contrary to the law of nations. He defied his opponents to men-

¹ Hansard, XXII. 223-226. The *Gazette de Leyde*, June 5, p. 3, gives the name of this man as Moloch, surely an unlikely name for a Hebrew. Lord George Germain asserted that the treatment of the Jews was unknown to the commanders-in-chief, but St. John declared himself ready to prove the opposite (*ibid.*, 244, 247), and indeed it seems to be proved by the petition of the Jews of St. Eustatius, dated February 16, printed in the *Annual Register*, pp. 308-310, and in *Nederlandsche Jaerboeken*, 1781, pp. 817-820.

² *Gazette de Leyde*, March 27, p. 4, March 30, p. 8, April 6, p. 7; the petition, *ibid.*, April 27, May 1; *Nederlandsche Jaerboeken*, 1781, pp. 796-806.

³ Dumas to the president of Congress, *Rev. Dipl. Corr.*, IV. 323; to John Adams, Adams's *Works*, VII. 408.

⁴ The debates are in Hansard, XXII. 218-262, 769-785, 1023-1026. See also a letter of John Adams in *Per. Dipl. Corr.*, IV. 460.

tion one other instance, in the warfare of the fifty years preceding, in which such a confiscation had taken place. He showed that, on the contrary, from the moment of surrender the conquered inhabitants were entitled to the royal protection;¹ inveighed against the unrighteousness of punishing all for the illicit commerce maintained by some; and declared, apparently with much truth, that public injury comparable with that caused by the illicit trade had been inflicted by Rodney's gigantic auction. At that auction the whole property had been sold at far less than its value, and the ultimate result had been that, in spite of the admiral's precautions, the Americans, French, and Spaniards had been supplied by the British government at a much cheaper rate than they otherwise could have been. Passing to the case of the British subjects, he pointed to the positive acts of Parliament under which English merchants traded to the island,² and ridiculed the contention that if wronged they could have redress through the courts, when all their books and papers had been seized. "It was not extraordinary," he said, "that a man sitting on a great gun in a ship's cabin should hold language like that of Admiral Rodney; for however much he respected his naval character, his judgment as a lawyer could not be expected to have any consequence"; and indeed Rodney seems to have been ignorant of certain important acts of Parliament,³ and to have openly flouted others.

More serious from a professional point of view was the accusation that the admiral, intoxicated with the pecuniary brilliancy of his prize, had lingered in the road of St. Eustatius, superintending with eager care the disposal of the spoil, and thus squandered away the opportunity of important naval successes which had been afforded him by the temporary naval weakness of the allies in the Caribbean. "Admiral Rodney," says Horace Walpole tartly, "has a little over-gilt his own statue."⁴ Certain it is, that he remained at the island three months and a day,⁵ and that meanwhile De Grasse, watched only by Hood's squadron, had slipped around the shoulder of Martinique and joined the other French ships in the roadstead of Fort

¹ Solicitor-General Yorke, in 1759, declared that the inhabitants of Guadeloupe, after conquest, were British subjects, with or without the taking of oaths of allegiance. Chalmers, *Colonial Opinions*, 642.

² Attorney-General Northey, in 1704, gave it as his opinion that it was no offense for a British subject on a neutral island to trade with the enemy during war-time, provided it was not in materials of war. *Ibid.*, 645.

³ It appears from Rodney's correspondence, Mundy, II. 116, that he did not know that by act of Parliament (apparently the act 17 Geo. III. c. 7 is meant) masters and mates of unarmed rebel trading vessels were exempted from capture.

⁴ *Letters*, ed. Cunningham, VIII. 93.

⁵ Till May 4. Mundy, II. 102.

Royal. Yorktown itself might never have happened if this juncture of the French had not been effected, and in all probability it would not have been effected if Rodney, with his whole fleet, had been where Hood wished him to be, to windward of Martinique.¹

Lord North's "fine brute majority" might stifle inquiry, but it could not control the operations of the courts of law, nor such retribution as might be offered by the fortunes of warfare. In the course of the legal proceedings no fewer than sixty-four claims appeared, amounting as stated to far more than the whole of the captured property. Rodney was subjected to great expense and vexation. The books and papers, sent to the care of the secretary of state, could not be found. Six years after the capture, only thirteen of the cases had been finally disposed of, and in nine of these there had been sentences of restitution.² The King had granted all the spoil to the captors, excepting only provisions, ordnance, arms, ammunition, and military stores, and Rodney and Vaughan should each have received a sixteenth part of the immense booty;³ but Vaughan declared in the House of Commons that he had not made a shilling by the transaction,⁴ and Rodney seems to have fared hardly better. They had made two successive and mutually conflicting arrangements for the general agency, which had embroiled them with the captains, and embarrassed and retarded the settlement.⁵

Much the most valuable part of the spoil had been, after careful preparation, sent to England in a large fleet of thirty-four merchantmen under convoy of Commodore Hotham, with two ships of the line and three frigates. Before they had reached the English coast, but only twenty leagues to the west of the Scilly Islands, a French admiral, LaMothe Piquet, having under his command a much superior force, fell in with the ill-fated convoy. Hotham signalled for the war-ships to draw closer and for the convoy to dis-

¹ *Letters of Sir Samuel Hood*, 17, 22, 23; Stevens, *Clinton-Cornwallis Controversy*, I. 83; Mahan in Clowes, *History of the Royal Navy*, III. 481, 482; *Types of Naval Officers*, 224, 228.

² Mundy, II. 5, 77, 367, 368. One of the suits became a leading case in prize law. The King's Bench having been moved for a prohibition to restrain the Court of Admiralty from condemning certain property, on the ground that it had been taken on land, not on the sea, Lord Mansfield in an elaborate opinion considered the foundation and nature of the prize jurisdiction of that court, and declared that the question of prize or no prize belonged solely to it, whoever the parties or whatever the place of capture; *Lindo vs. Rodney*, 2 Douglas 613-620 (1782). In 1783 the House of Lords sustained the same view in *Mitchell et al. vs. Rodney and Vaughan*; 2 Brown, *Reports of Cases in Parliament*, 423. *London Chronicle*, November 24-27, 1781.

³ *Letters*, 99, 101; Mundy, II. 79, 80, 112.

⁴ Hansard, XXII. 781.

⁵ The details are given in two pamphlets: *An Explanation of the Case relating to the Capture of St. Eustatius*, London, 1786; and *Saint Eustatius; Facts respecting the Captured Property, and Reasons in Support of a Bill, etc.*, *ibid.*

perse and save themselves. But the French made after the convoy and captured twenty-two of them. Only eight of the merchant vessels, together with the ships of war, succeeded in making their escape into Berehaven Bay.¹

So vanished a part of Rodney's expectations of wealth.² Before the end of the year St. Eustatius itself, which he supposed that Vaughan had made impregnable, was taken by the French. The recapture was planned by the principal French merchant of the place, in conjunction with the Marquis de Bouillé, the energetic governor of Martinique. The marquis landed 1,400 men at an unguarded point of the coast, and easily overcame the small force of 628 which Lieutenant-Colonel Cockburn, the British commander, had at his disposal. Upon Cockburn's trial at the Horse-Guards in 1783 it was testified that he had been offered reënforcements, but replied that he "had vagabonds enough already"; also that he had been warned of the French attack two days before it occurred, but had "damned the information."³ By the mismanagement of Rodney's agents his money at the island, which should have been sent to New York and so home, was detained and confiscated.⁴ The conquest on which he had prided himself as "the greatest blow that Holland and America ever received" ended in disappointment and vexation for him, reversal and odium for his country. But it was left for him, by the memorable victory of the twelfth of April, 1782, to show that, despite mistakes of public policy and faults of private character, he possessed a professional greatness that could lift his name to heights of glory as a naval commander.

J. FRANKLIN JAMESON.

¹ *London Chronicle*, May 15-17, p. 465; another subsequently escaped into Plymouth. *Gazette de Leyde*, May 18, p. 8, May 25, p. 6, May 29, p. 2; *Nederlandsche Mercurius*, L. 212; *Rev. Dipl. Corr.*, IV. 412, 423, 437; Mundy, II. 61; Marshall, *Naval Biography*, I. 106.

² The *London Chronicle*, May 15-17, p. 466, estimates that Rodney and Vaughan will personally lose £300,000 by LaMothe Piquet's captures. The recaptured goods were not restored to the Dutch, as they would have been under the French-Dutch convention of May 1, 1781, but were adjudged to the French recaptors; *Gazette de Leyde*, June 12, pp. 3, 6.

³ Cockburn was cashiered and died soon after. The leading source of information on the recapture is *An Authenticated Copy of the Proceedings on the Trial of Lt.-Col. Cockburn (of the Thirty-Fifth Regiment) for the Loss of the Island of St. Eustatius*, London, 1783.

⁴ *Letters*, 169-171, 174; Mundy, II. 421, 422. The French are said to have got more than £120,000 in cash; *An Authenticated Copy*, p. 172.

DOCUMENTS

Correspondence of the Comte de Moustier with the Comte de Montmorin, 1787-1789.

(First Installment.)

IT is not altogether clear why Bancroft in giving in the appendix of his *History of the Constitution* selections from the correspondence of the diplomatic representatives of France in America during the agitation for a better system of government should have stopped where he did, for with 1788, a year critical for the new Constitution, there was begun the correspondence of the Comte de Moustier,¹ from which but a single letter is taken.² This correspondence is instructive not merely because it defines exactly the attitude of the French government toward the project, but also because it reveals the impression which the last months of the Confederation made upon the French minister, and explains the measures which he suggested to protect French interests in case of an utter collapse or of a sudden outbreak of war between France and England. It also touches incidentally the questions which arose between France and the United States. The letters that follow are given chiefly to illustrate the interest that belongs to the correspondence as a whole, while at the same time they have been selected with a view of bringing out the attitude of France toward the attempt to consolidate the new republic, and of showing the embarrassments of diplomacy prior to the organization of an effective central government. There is noticeable even in these few letters a progressive irritation at the Americans. This appears more clearly in other letters written in 1789. Apparently Moustier was ill adapted to his task. He was described in a private letter sent to General Gates as "Distant, haughty, punctilious, and entirely governed by the caprices of a singular, whimsical, hysterical old woman [his sister, Madame de Bréhan] whose delight is in playing with a negro child and caressing a monkey."³ From one of Jefferson's letters it appears that

¹ Éléonore François Élie, comte, afterwards marquis de Moustier; born March 15, 1751, died January 28, 1817. After his mission in the United States was ended he became minister at the court of Berlin. With the overthrow of the monarchy he joined the *émigrés*, not returning to France until the Restoration.

² A letter dated June 5, 1789, Bancroft, II. 495-496.

³ Quoted in *Diary and Letters of Gouverneur Morris*, I. 20.

Moustier's conduct "was politically and morally offensive," and that Jefferson had approached the Comte de Montmorin through Lafayette to urge "that his minister's conduct had rendered him personally odious in America, and might influence the dispositions of the two nations."¹ Montmorin promised to make use of a loose expression in one of Moustier's letters which might be interpreted as a petition for a leave of absence. Moustier really desired a leave of absence because his health had been impaired by the long voyage to America. A little later in 1789 Montmorin informed Jefferson that the formal request for leave had come.² He also told Gouverneur Morris in July that it was not the intention of the French government to allow Moustier to return, but that another more acceptable person would be sent in his place.³

HENRY E. BOURNE.

Instructions 10. Octobre 1787.

I. INSTRUCTIONS.⁴

(Archives des Affaires Étrangères, États-Unis, 1777 à 1789, Tome I., folios 421 ff.)

Mémoire pour servir d'Instructions au Sieur Comte de Moustier, Chevalier de l'Ordre royal et militaire de S^t Louis, allant en Amérique en qualité de Ministre Plénipotentiaire du Roi près le Congrès des Etats-Unis.

Le zèle et la prudence avec lesquels le Sieur Comte de Moustier a rempli les deux Missions que le Roi lui a successivement confiées, ont déterminé Sa Majesté à le nommer son Ministre plénipotentiaire auprès des Etats-Unis de l'Amérique Septentrionale. Cette marque de confiance est d'autant plus flatteuse pour le Comte de Moustier, que Sa Majesté attache un grand prix au maintien de son alliance avec les Etats-Unis, et que la conduite de son représentant peut influer essentiellement sur leurs affections et sur leurs démarches.

Le Comte de Moustier jugera par là qu'il devra s'attacher à fortifier les Américains dans les principes qui les ont engagé à s'unir à la France : il leur fera sentir pour cet effet, qu'ils ne sauroient avoir d'Allié plus naturel que le Roi, tandis qu'ils peuvent être certains que l'Angleterre jalouse leur prospérité, et qu'elle y nuira autant qu'elle en trouvera l'occasion. Cette matière conduira nécessairement le Comte de Moustier à avoir des conversations sur le Commerce, objet qui fixe presque exclusivement l'attention des Américains.

¹ *American Diplomatic Correspondence, 1783-1789*, IV. 62-63.

² *Ibid.*, 94.

³ *Diary and Letters*, I. 139.

⁴ These instructions were accompanied by the letter of transmittal published by Bancroft, *History of the Constitution of the United States*, II. 443-444.

Ils se plaindront probablement du peu de faveur qu' ils prétendront éprouver en France et particulièrement dans nos Iles. Le Comte de Moustier trouvera ci-joint un Mémoire qui le mettra en état de discuter cette matière en pleine connaissance de cause. Cette pièce lui fournira des moyens plus que suffisants pour convaincre les Américains des bonnes intentions du Roi à leur égard, et de son désir de faire prospérer leur Commerce autant que cela se pourra sans préjudicier à celui de ses propres sujets.¹ Au reste le Comte de Moustier ne négligera rien pour acquérir autant de connaissances qu'il pourra sur tous les objets qui pourront contribuer à rendre notre Commerce avec les Etats-Unis aussi avantageux que la nature des choses pourra le comporter. L'administration n'a pas été suffisamment éclairée jusqu'ici sur cette importante matière ; et il est à craindre que les Américains ne prennent des habitudes qui nous seroient préjudiciables, et dont la France ne pourroit plus les détourner. On a lieu de croire que c'est là le principal objet de la Cour de Londres ; et il est évident que la France perdra tout ce que gagnera la Grande Bretagne.

Ce seroit se tromper volontairement que de supposer que cette puissance ne cherche pas à diminuer les sentiments qui doivent attacher les Etats-Unis à la France, et à opérer insensiblement leur rapprochement de leur ancienne Mère-patrie. Il sera utile que le Ministre du Roi suive la marche des agens anglais, et qu'il fasse ce qui dépendra de lui, mais sans affectation, pour rendre nulles leurs insinuations.

Le Comte de Moustier trouvera sûrement les Américains fort occupés de la fermentation qui règne en ce moment-ci en Europe, et il y a beaucoup d'apparence qu'on cherchera à l'en entretenir, et à connaître par lui le véritable état des choses. Dans ce cas le Comte de Moustier pourra dire, relativement aux affaires de Hollande² qu'elles ont pris inopinément une tournure décidée en faveur du Stathouder par un de ces hazards qu'il est impossible de prévoir, et sur lequel ni la Cour de Berlin, ni celle de Londres ne comptoient, et que les résolutions prises par les Etats de Hollande comme par les généraux sous l'influence des troupes prussiennes, ont empêché Sa Majesté de faire des démonstrations en faveur des patriotes, et qu'Elle s'est déterminée à laisser les choses dans leur état actuel plutôt que de livrer la République aux hor-

¹ Certain concessions were made in December of this year which later excited considerable protest in France. Jefferson's letters in *American Diplomatic Correspondence, 1783-1789*, III. 354 ff. Cf. 364, 375-376, 401 ; IV. 6.

² For this affair see A. Sorel, *L'Europe et la Révolution Française*, I. 360-368.

reurs de la guerre civile, et provoquer en même tems une guerre gen^{ale}. A cette réflexion le Comte de Moustier pourra ajouter que le même sentiment qui a engagé le Roi à préserver les Provinces-Unies de la guerre dont elles étoient menacées, l'engage également à faire ce qui dépendra de lui pour empêcher, autant que cela sera compatible avec sa dignité et avec son intérêt, l'explosion de la guerre entre la France et la Grande-Bretagne. Comme il est très probable que l'on parlera au Comte de Moustier des armements qui se font dans nos ports comme dans ceux de la Grande Bretagne, il pourra répondre que les armements ordonnés par le Roi ne sont qu'une conséquence nécessaire de ceux ordonnés par la Cour de Londres ; que Sa Majesté les fera cesser dès que l'Angleterre l'aura mise en mesure de le faire sans blesser sa dignité et sans sacrifier ses intérêts, et qu'il y a d'autant plus lieu d'espérer que le désarmement s'effectuera que les mesures hostiles des deux Cours n'ont plus d'objet ; que comme il est impossible néanmoins de prévoir les événements et moins encore de se reposer sur les intentions et sur la bonne foi de la Cour de Londres, l'on ne peut avoir en France aucune certitude du maintien de la paix ; que le Roi compte d'avance que si elle est rompue les Américains tiendront une conduite analogue aux liens qui les attachent à la France, et qu'ils ne se laisseront pas séduire par le langage insidieux qu'il est probable que leur tiendra le Roi de la Grande Bretagne. Cet objet est particulièrement recommandé au zèle et à la vigilance du Ministre du Roi : mais il sentira de lui-même combien il devra mettre de ménagement, de dextérité et de prudence dans son langage et dans sa conduite.

Quant aux affaires du Levant, le Comte de Moustier observera aux personnes qui lui en parleront que malgré la déclaration de guerre faite par les Turcs, le Roi a encore quelque espérance de ramener les choses dans la voie de la conciliation ; que c'est le vœu de l'Imp^{re} de Russie, et que le Roi est dans l'attente de l'effet qu'auront produit les démarches qu'il a prescrites à son Ambassadeur. Le Comte de Moustier pourra ajouter que dans le cas où la Porte persisteroit à vouloir la guerre, il est impossible de prévoir, quant-à-présent, quelle influence elle pourra avoir sur le système politique de l'Europe.

Le Comte de Moustier aura vu dans la correspondance de son prédécesseur et dans celle du S. Otto que le Roi est créancier des Etats-Unis de vingt-quatre millions, et que Sa Maj^{te} est leur garant pour dix millions vis-à-vis des Provinces Unies. On joint ici copie des titres relatifs à ces deux créances. Le Congrès est trop dépourvu de moyens pour qu'on puisse avec espérance de succès le presser pour le paiement

du premier capital ; le Roi ne se flatte même pas de recouvrer de sitôt cette somme : malgré cela il sera utile de la rappeler aux Américains pour qu'ils ne croient pas qu'on l'a perdue de vue. Il conviendra surtout que le Ministre du Roi les presse pour l'acquittement exact des intérêts : cet article lui est particulièrement recommandé ; il insistera surtout sur les intérêts que le Roi paie en Hollande à la décharge du Congrès.

Le Comte de Moustier connaît les détails relatifs à la querelle subsistant entre les Etats-Unis et l'Espagne concernant la navigation du Mississipi. Il est à présumer que la partie saine du Congrès voit cette discussion avec peine et voudrait la prévenir : mais les Colonies qui se sont établies sur les bords de l'Ohio, deviennent si considérables, que le Congrès sera désormais hors d'état de les contenir, et qu'elles entreprendront, sans son aveu de s'ouvrir un passage vers le golphe du Mexique. Si l'on parle au Comte de Moustier de cet objet, il se bornera à observer que le Roi verroit avec peine que les Etats-Unis se brouillassent avec l'Espagne pour un objet où les principes sont en faveur de cette puissance, et qu'il seroit fort à désirer que les choses pussent être arrangées à l'amiable. Du reste le Comte de Moustier n'offrira ni des moyens de conciliation, ni les bons offices de Sa Majesté : la question est trop délicate pour qu'il convienne au Roi de s'en mêler : son intervention ne serviroit probablement qu'à le compromettre avec toutes les parties intéressées.

Le Comte de Moustier aura vu dans la correspondance du S. Otto que les Américains sont occupés d'une nouvelle constitution. Cet objet n'intéresse que faiblement la politique du Roi. Sa Majesté pense, d'un côté, que les délibérations n'auront aucun succès par la diversité des affections, des intérêts et des principes des différentes provinces ; de l'autre qu'il convient à la France que les Etats-Unis demeurent dans leur état actuel, parce que s'ils prenoient la consistance dont ils sont susceptibles, ils aquerroient bientôt une force et une puissance dont ils seroient probablement très empressés d'abuser. Malgré cette dernière réflexion le Ministre du Roi aura soin de tenir la conduite la plus passive, de ne se montrer, ni pour, ni contre les nouveaux arrangemens dont on est occupé, et, lorsqu'il sera provoqué, de ne parler que des vœux du Roi et de ses vœux personnels pour la prospérité des Etats-Unis.¹

Le Comte de Moustier trouvera ci-joint des lettres de créance. Il les remettra au Congrès dans la forme accoutumée. Il répétera de vive-voix à cette assemblée les sentiments qui y

¹ Cf. the instructions sent to Otto the previous August, given in Bancroft, *op. cit.*, II. 438-439.

sont exprimés, et il ne négligera aucune occasion d'en renouveler l'assurance. Il trouvera à New-York les chiffres qui serviront à sa correspondance ordinaire. Il n'en aura sur les affaires politiques comme sur celles de commerce qu'avec le Ministre ayant le Département des Affaires Etrangères : lorsque néanmoins le service du Roi lui semblera exiger qu'il écrive à d'autres Ministres, il adressera ses lettres sous cachet volant au Département politique.

Fait à Versailles le dix Octobre mil sept-cent quatre-vingt sept.

LOUIS.

Le cte De Montmorin

II. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 16 ff.)

NO. I.

A NEW-YORK le 8. Févr. 1788.

rec. le 24 Mars

Monseigneur.

Connoissances que M. le C^{te} de Moustier travaille à acquérir sur la situation actuelle des États-Unis.

Le paquebot dont le départ de cette ville est fixé par l'arrêt du Conseil au 25. de Janvier, n'étant même pas arrivé à cette époque, j'ai profité de ce délai pour acquérir quelques connoissances préliminaires sur la situation actuelle de ce pays-ci. Malgré l'avantage que j'ai eu de recueillir une infinité de renseignements intéressans et instructifs dans la correspondance de M. le Chev. de la Luzerne, de M. de Marbois et de M. Otto, les affaires présentent ici tant d'aspects différens et sont sujettes à des variations si singulières et si rapides, qu'il est difficile de s'en faire une idée parfaitement juste, si l'on veut les embrasser dans un seul ensemble. Plus on est éloigné, plus il est difficile de les bien juger, ainsi j'ai eu lieu de m'en convaincre en comparant mon opinion sur ces peuples en Europe à celle que je commence à m'en former depuis que je les examine dans le pays, où il me semble qu'on peut uniquement les bien connoître. Je ne me presserai donc pas de fixer mon jugement sur un objet aussi compliqué que celle de prononcer sur la situation actuelle et le sort futur de ces Etats, ainsi que sur leurs véritables intérêts et les rapports qu'ils peuvent avoir avec les puissances de l'Europe et principalement avec la France.

Lenteur et indifférence pour les affaires de la part des Membres qui composent le Congrès.

Le Congrès n'étoit point assemblé à mon arrivée. Dès qu'il y a eu le nombre d'Etats représentés, compétent pour former un Congrès, on s'est hâté de nommer un Président. Le choix a tombé sur M. Griffin, Député de la Virginie. On croit que cet empressement a été causé par l'arrivée du Ministre du Roi, à qui le Congrès a voulu se mettre en état de donner audience ; jusqu'à présent il n'est composé que de

sept Etats. Les Députés des autres ne se hâtent point d'arriver. L'Etat de Rhodeisland n'en a pas même nommé. L'indifférence des membres qui composent ou devraient composer cette assemblée apporte une grande lenteur dans l'expédition des affaires.

Insuffisance du Congrès pour contraindre à exécuter ce qu'il prescrit.

Le Congrès qui n'a dû son importance et sa considération qu'à des circonstances qui faisoient sentir aux Américains unis la nécessité d'un pouvoir étendu et actif, a perdu le peu qu'il en avoit conservé, depuis qu'on s'est aperçu qu'il n'avoit aucun moyen d'exercer les droits que la confédération sembloit lui avoir assurés. Aussi cette Assemblée ne peut elle plus être regardée que comme l'ombre d'un pouvoir Souverain. Elle peut délibérer et prescrire mais ne peut point contraindre à l'obéissance. Son insuffisance est généralement reconnue dans l'étendue des Etats-Unis. Malgré l'opinion des personnes qui croient que ces Etats ne sont exposés à l'influence des mouvemens qui pourroient agiter et troubler les puissances de l'Europe, on auroit été bientôt convaincu, que la même foiblesse qui rend le Congrès insuffisant pour gouverner au dedans le rend également incapable de prendre aucune mesure efficace au dehors, si la sagesse et la fermeté du Roi n'avoient prévenu la guerre qui sembloit à la veille d'éclater entre la France et l'Angleterre. Dans la situation actuelle le Congrès ne peut point être utile aux alliés des Etats-Unis et n'est point en état de nuire à leurs ennemis. Sans marine, sans troupes, sans fortifications, sans force coercitive pour les entretenir, il ne pouvoit empêcher que les postes les plus importans ne tombassent au pouvoir du premier occupant.

tableau du dénuement absolu des moyens du Congrès pour être utile aux alliés des Etats-Unis et pour se garantir des entreprises des ennemis.

opinion qu'il est impossible que la forme actuelle du gouvernement puisse subsister.

Sans examiner ici si la scission ou la consolidation de ces Etats convient aux puissances de l'Europe et auxquelles l'une ou l'autre conviendrait le plus, je crois qu'il est impossible que la forme actuelle du Gouvernement puisse subsister. Les opinions ne sont point partagées sur la nécessité d'en établir une autre. La diversité des intérêts en cause une grande dans l'idée que différens partis se font sur le mode qu'il convient d'adopter. Vous avez été informé, Monseigneur, par M. Otto de tout ce qui s'est passé pour opérer cette révolution. Je ne doute pas que son rapport ne vous ait paru très satisfaisant et n'ait excité toute votre attention.

Etats qui ont adopté la constitution proposée par la Convention Gl^{de} de Philadelphie.

La Constitution proposée par la Convention générale de Philadelphie a déjà été acceptée par cinq Etats dans l'ordre suivant ; Delaware, Pennsylvanie, Jersey, Georgie, Connecticut. Les Etats du Newhampshire, de la Caroline, de la Virginie, du Maryland et de Newyork ont fixé les époques de leurs conventions particulières pour examiner la Constitution selon l'invitation du Congrès. Celui de Massachussets délibère actuellement. Les premières apparences y étoient con-

traires à son adoption ; il paroît aujourd'hui que le nombre de ses partisans l'emportera. La décision de cet Etat est infiniment importante parce qu'elle semble devoir influer sur la résolution du Newhampshire et du Rhodeisland et probablement sur celle de quelques autres Etats. Elle doit par conséquent déterminer le sort de la nouvelle Constitution puisqu'il suffit pour l'établir, qu'elle soit adoptée par neuf d'entre eux.

Il est possible, Monseigneur, que la révolution soit achevée lorsque cette dépêche vous parviendra. Les puissances de l'Europe ne sont plus à tems, soit de favoriser, soit de traverser l'adoption de la nouvelle Constitution. Ce qui semble devoir les occuper actuellement c'est de régler leur conduite politique sur un événement qui procureroit aux Etats-Unis la consistance et la vigueur d'un Gouvernement solide et puissant par la réunion de plusieurs pouvoirs opposés les uns aux autres en un seul corps, qui en seroit la source et le dispensateur. On peut présumer que l'Angleterre attend le moment de la décision de la crise actuelle pour prendre un parti définitif à l'égard des Etats-Unis. Sans avoir de représentant ici, elle y a conservé tant de partisans et elle a soin d'y entretenir tant d'Emissaires, qu'elle peut donner toute l'attention que ses intérêts exigent aux mouvemens de ces Etats sans qu'il y paroisse.

Moyens qu' a l'Angleterre par le nombre de ses partisans et de ses émissaires de donner une attention suivie à ce qui se passe aux Etats-Unis.

Etendue du commerce avantageux que l'Angleterre fait aux Etats-Unis.

Combinaison qui prouve que c'est avec notre argent que les Etats-Unis payent les marchandises qu'ils tirent de l'Angleterre.

L'effet s'en fait ressentir par l'étendue du Commerce avantageux qu'elle y fait, en fournissant la plupart des objets manufacturés consommés par les Etats-Unis sans s'assujettir à tirer d'eux autant de denrées qu'avant la révolution. Nous en sommes devenus les principaux consommateurs, soit en Europe, soit aux Colonies. Il en résulte que c'est avec notre argent qu'ils payent à l'Angleterre les marchandises qu'ils en tirent. L'administration réalisera sans doute les vues qu'elle a formées pour remédier à cet inconvénient qu'elle a déjà reconnu. J'attendrai pour vous présenter, Monseigneur, mes observations sur le Commerce de cette nouvelle nation que j'aie eu le tems de les bien constater.

Expédient que propose M. le C^{te} de Moustier pour faire fructifier notre commerce avec les Etats-Unis et faire cesser la situation défavorable de nos relations avec ce Pays-là.

Il en est une que je crois ne devoir pas différer de vous soumettre. Je regarde comme d'une importance extrême de porter en France une attention particulière à la façon, à la qualité, aux prix des objets de consommation propres à l'Amérique unie, afin de pouvoir balancer le débit de l'Angleterre. Il me semble qu'en se reposant à cet égard uniquement sur l'activité et l'industrie des Commerçans, notre Commerce court risque d'être pendant longtems aussi passif chés les Américains qu'il l'est aujourd'hui. Quelques unes de nos denrées pourront acquérir plus de débit par les faveurs

qui leur seroient accordées en compensation de celles que le Roi auroit données aux leurs. Mais quant à nos marchandises, si l'on veut en assurer le débit, il faut nécessairement en fournir aux Américains selon leur goût. Je croirois que sans donner aucun privilège exclusif, il seroit infiniment avantageux de pouvoir former une Compagnie de négocians qui suivissent à l'égard du Commerce avec les Etats-Unis les principes que suit pour celui du Levant la chambre de Commerce de Marseille. Sans faire de réglemens, l'administration pourroit exciter les différentes chambres de Commerce du Royaume à donner une attention particulière à cet objet. Si l'on remarquoit aujourd'hui que quelques manufactures sont en souffrance par l'effet de quelques traités de Commerce dans lesquels l'intérêt du royaume¹ pris en masse n'empêche pas les pertes de quelques branches particulières, un moyen de les relever seroit de leur donner un encouragement suffisant pour pouvoir adopter les formes convenables et donner les qualités nécessaires à leurs ouvrages pour être susceptibles de débit dans ce pays-ci. Pour les connoître il suffit d'examiner en Angleterre et en Irlande toutes les marchandises qui s'y fabriquent pour l'Amérique. Il doit être plus facile de changer l'habitude des fabriquans que celle d'un peuple entier, de même qu'il est plus naturel, que ce soit le fabriquant qui se conforme au goût du consommateur que celui-ci au caprice ou à la routine de l'autre.

raisons qui s'opposent
aux progrès des manu-
factures des Etats-Unis.

Plusieurs Etats particuliers ont essayé d'établir des manufactures pour s'affranchir jusqu'à un certain point du tribut qu'ils payent à l'Angleterre. Tout grands que sont leurs efforts et tout considérables que sont les encouragemens qu'ils donnent à ces établissemens, les manufactures de l'Europe doivent l'emporter encore pendant longtems. Trop de causes s'opposent au succès de celles de ce pays-ci du moins quant à leur nombre. Le goût de la propriété domine trop parmi ces peuples nouveaux et la facilité d'en acquérir est trop grande pour qu'ils se livrent au travail des manufactures. La culture des terres offre un champ plus vaste et plus attrayante à leur industrie. L'impulsion est donnée aux habitans des anciens Etats pour se porter vers les riches territoires de l'Ouest. La rapidité de la population y est aussi prodigieuse que la fertilité de cette vaste étendue de pays. Ces raisons empêcheront longtems les manufactures d'y prendre un grand accroissement, de même que la facilité des émigrations des anciens Etats nuit à celles qu'ils ont tenté d'y établir, puisqu'il ne s'y trouvera pas un excédent de bras qu'on pourroit y employer, tant que les hommes qui n'y auroient point de

¹ Particularly the treaty of 1786 with Great Britain.

terrain en propre à cultiver peuvent en acquérir facilement ailleurs. L'avantage que les Européens auront pour le débit de leurs manufactures doit donc durer autant qu'il y aura de terrains à défricher dans la vaste étendue du territoire des Etats-Unis, celles qui n'en profiteront pas ne pourront s'en prendre qu'à elles-mêmes.

Je crois, Monseigneur, qu'en représentant au Conseil Royal des finances et du Commerce la situation défavorable de nos relations avec ce pays-ci où l'Angleterre exerce un monopole de fait sur une infinité de marchandises que nous pourrions également fournir, il s'occupera avec succès de remédier à une situation aussi désavantageuse et aussi éloignée des espérances, qu'on pouvoit former après avoir dépensé des sommes aussi énormes et verser autant de sang pour décider une révolution dont nous n'avons recueilli jusqu'à présent que de la gloire, en abandonnant le profit qu'elle devoit procurer. Je suis avec respect,

Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

III. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 22 ff.)

No. 2.

A NEWYORK le 10. Février. 1788

rec. le 24 mars.

Monseigneur.

projet que propose M. le C^{te} de Moustier d'envoyer tous les ans hiverner en Amérique les officiers et équipages employés aux Antilles, afin, en cas de guerre, de prévenir par là que les Anglois ne s'emparent les ports Américains.

Utilité d'adopter ce projet cette année.

En portant mon attention sur l'insuffisance du Congrès d'être utile à ses alliés et sur le danger de voir en tems de guerre les postes les plus importants tomber au pouvoir du premier occupant, ainsi que j'ai eu l'honneur de vous le marquer dans ma dépêche précédente, j'ai cherché en même tems quel pouvoit être le moyen de remédier du moins en partie, à cet inconvénient dont les suites pourroient être infiniment facheuses, si l'on n'étoit préparé d'avance à un événement, qui peut arriver au moment le moins attendu, tel que seroit une rupture entre le Roi et la Grande Bretagne.

Le voisinage des Etablissemens Anglois du Nord des Etats-Unis et surtout la position favorable du magnifique port d'Hallifax donneroient immédiatement une supériorité décidée aux premiers sur ces Côtes. Dans la situation actuelle des choses il est certain que nous n'avons point de Commerce à y protéger, mais nous aurions un grand intérêt à ruiner celui que nos rivaux y font avec un si grand avantage. Nous aurions à prévenir le progrès de leur influence sur ce pays, où alors ils pourroient occuper toutes les avenues par où s'entretient

la communication avec l'Europe. Les premières Escadres qui paroitraient sur les côtes des Etats-Unis pourroient s'emparer sans obstacle de Newport et de Sandyhook, y débarquer des troupes et protéger la construction des forts nécessaires pour s'en assurer la possession. La même opération pourroit se répéter partout où elle seroit jugée favorable. Dans cette position l'Angleterre seroit en mesure d'imposer au Commerce et à la navigation des Etats-Unis toutes les entraves qu'elle jugeroit convenables. Elle y acquéreroit une prépondérance qui seroit telle qu'aucune autre puissance ne pourroit la balancer. Elle posséderoit de nouveau, mais avec plus d'étendue et beaucoup moins de frais tous les avantages que lui offroient ses anciennes Colonies, à qui elle laisseroit ses formes Souveraines, comme elle les a laissées aux provinces démembrées de l'Empire du Mogol.

Je crois que si les Escadres du Roi arrivoient les premières, elles pourroient y avoir les mêmes facilités que celles d'Angleterre d'y établir des fortifications, qui leur assureroient la possession des ports, capables de recevoir des vaisseaux de ligne et la supériorité décidée sur des mers qui formeroient alors un intervalle entre les possessions Angloises du Nord de l'Amérique et celles du Golphe du Mexique, au lieu de leur servir de communication, comme elles le feroient si l'Angleterre dominoit sur les Etats-Unis. La différence qu'il pourroit y avoir entre les mêmes opérations faites par l'une ou l'autre puissance seroit que l'Angleterre y mettroit des formes moins favorables que le Roi. De la part de S. M. on pourroit pour maintenir la dignité et la considération du Gouvernement Américain donner l'apparence d'un accord commun et garantir l'évacuation des postes occupés dès que les circonstances qui auroient donné lieu à ces démarches n'existeroient plus. La foiblesse du Congrès ne permettroit guère d'employer en négociation et en délibération un tems dont tous les instants seroient précieux pour l'action. J'ignore à quel point pourroient se réaliser les conjonctures, qu'on peut former sur le parti de vigueur, que prendroit l'Angleterre dans le cas de l'événement, dont la supposition peut toujours avoir lieu pour un terme plus ou moins éloigné. Ce qui me paroît moins douteux, c'est que si les ports des Etats-Unis couroient risque d'être occupés par les Anglois, il seroit préférable que nous les gagnassions de vitesse. Mais je supposerai en même tems, ce qui est tout aussi possible et peut-être plus probable, que les Etats-Unis puissent jouir pendant le cours d'une guerre qui éclateroit entre la France et l'Angleterre d'une neutralité qui seroit principalement à leur avantage, il n'en est pas moins certain que dans tous les cas il est de la plus grande importance, que les mers, les côtes et les

ports des Etats-Unis soient parfaitement connus de nos marins.

Les circonstances, dans lesquelles ont été rédigées des cartes de la Marine pour les Mers de l'Amérique Septentrionale et principalement pour celles des Etats-Unis n'ont pas permis de les faire avec toute l'exactitude et l'étendue désirables. J'ai eu lieu de m'en convaincre relativement à la carte, sur laquelle se trouve marquée très succinctement et imparfaitement l'entrée de Sandyhook. Il me semble qu'il seroit possible de se procurer à peu de frais une Collection de Cartes aussi complètes qu'étendues en chargeant de leur rédaction les Officiers du Roi, employés sur les Vaisseaux et Frégates de la Station des Antilles, qu'il seroit sans doute aussi utile pour eux, qu'avantageux politiquement, en considérant le bon effet qui en résulteroit dans ce pays-ci, de faire passer le tems de l'hivernage dans les ports des Etats-Unis. Il seroit facile d'acquérir à bon marché de petits bâtimens, construits dans ce pays-ci, pour être en état d'approcher partout des côtes et de pénétrer dans toutes les criques et passes afin de marquer les sondes avec la plus grande exactitude. Ce seroit en même tems un moyen de former des pilotes propres à servir utilement sur ces côtes dans tous les cas, où l'on ne seroit pas certain d'avoir un nombre suffisant de pilotes côtiers à sa disposition. Aux Cartes on joindroit une foule d'observations importantes sur la navigation de ces Mers et qui ne sont sûrement pas généralement connues à n'en juger que par l'ignorance, où l'on étoit dans la Frégate, par laquelle j'ai passé, même avec le secours des Cartes de la Marine et des instructions de la Cour, sur plusieurs détails, dont j'ai bien reconnu l'importance par les informations, que j'ai reçues à cet égard depuis mon arrivée.

Vous aurés été instruit plus particulièrement, Monseigneur, de la sensation favorable qu'a produite l'année dernière à Boston le séjour de l'Escadre commandée par M. le V^e de Beaumont. Si, comme je le présume, le Roi décide que pour la conservation et l'instruction des Officiers et des équipages qui sont employés dans la station des Antilles, ses Escadres viennent tous les ans passer le tems de l'hivernage dans l'Amérique Septentrionale, peut-être paroitra-t-il, convenable au but de S. M. de leur faire changer chaque année de port. Dans ce cas je crois que plusieurs motifs doivent faire désirer que dès cette année ce soit dans ce port-ci, que se fasse la station du prochain hivernage. C'est ici que réside le Congrès, c'est ici que les François sont le moins connus, c'est ici, que règne une plus grande inclination pour les Anglois qui y ont fait un si long séjour et qui y ont formé un grand nombre de partisans. C'est ici, qu'il est le plus important de don-

ner une idée favorable de notre nation et de la puissance du Roi, ce qui ne peut se faire que par l'apparition d'une Escadre bien dirigée et bien composée, ainsi qu'il paroît que l'étoit celle de M. le V.^e de Beaumont, d'après les éloges que j'en ai entendu faire même ici. Vous avés connoissance, Monseigneur, des idées ridicules que les Anglois étoient parvenus à donner des François, avant que les Américains en eussent vû chez eux un grand nombre, qui tous y ont produit une sensation favorable. Cependant les anciennes impressions étoient si bien établies, qu' il s'est trouvé pendant long-tems des gens qui ont crû, et qu'on en trouveroit encore aujourd'hui, qui croyent, que l'armée commandée par M. le C.^{te} de Rochambeau avoit été une troupe d'élite, choisie exprès dans toute la nation pour en donner une idée avantageuse, quoique fausse aux Américains. Il me paroît également intéressant de détruire tous préjugés, qui peuvent nous être contraires, de rapprocher les deux nations et de procurer réciproquement à chacune des notions exactes et favorables l'une à l'égard de l'autre. L'apparition et le séjour des Escadres du Roi dans les ports des Etats-Unis offrent un moyen aussi simple et facile, qu'il seroit salutaire sous un autre rapport. Peut-être les affaires de ce pays-ci auront-elles pris à l'époque de l'hivernage une tournure imprévue et telle qu'il seroit particulièrement utile aux succès de nos vues, que le Roi pourroit avoir alors, qu'il se trouvat précisément dans ce moment une Escadre ici, capable de seconder, uniquement par sa présence, les démarches qu'il seroit convenable que je fisse. Ne voyant aucun inconvénient et trouvant beaucoup d'avantages au séjour d'une Escadre Française ici, je vous sou mets, Monseigneur, de juger s'il ne conviendrait pas de proposer que cet arrangement ait lieu cette année même pour le port de Newyork.

Je suis avec respect, Monseigneur,

Votre très humble et très obéissant
serviteur

LE C.^{te} DE MOUSTIER.

IV. MOUSTIER TO MONTMORIN.

(Archives des Affaires Etrangères, États-Unis, 1788, Tome 33,
folios 30 ff.)

No. 3.

A NEWYORK le 12. Février. 1788
rec. le 24 mars.

Monseigneur,

Circonstances qui retardent la première audience de M. le C.^{te} de Moustier.

Le soin, qu'a exigé ma santé dans les premiers jours, qui ont suivi mon arrivée, m'avoit fait différer la demande de l'audience du Congrès pour remettre à cette Assemblée mes

lettres de Créance. Je désirois aussi, qu'il fut composé d'un plus grand nombre d'Etats, afin que l'audience fut plus marquante. Cependant la crainte qu'un trop grand retard ne produisit une sensation défavorable, m'a décidé à faire cette demande par une lettre que j'ai adressée le 4. de ce mois à M. Jay, Secrétaire d'Etat pour les affaires étrangères.

Le Cérémonial à l'égard des Ministres étrangers n'a jamais été bien réglé depuis l'établissement de la souveraineté des Etats-Unis. La réception de M. Gérard, le premier qui paru parmi eux revêtu de ce caractère, a été faite avec des démonstrations particulières de reconnaissance pour le Roi et de satisfaction de la part du Congrès. M. le Chevalier de la Luzerne avoit déjà éprouvé un changement. M^r Van Berkel, Ministre Plénip.^{re} des Etats Généraux a été reçu à peu près avec le même cérémonial, il a été mixte pour M. Gardoqui, à qui ses lettres de créance, signées par le Roi d'Espagne ne donnent que le titre de Chargé d'Affaires quoiqu'une Lettre particulière signée également par S. M. Cath. lui accorde des pleins pouvoirs sans le qualifier de Ministre. Les résolutions du Congrès à cet égard ont varié, ainsi que sur bien d'autres objets. Ne voyant par conséquent aucun règlement bien déterminé, j'ai pris le parti de demander à M. Jay la communication de celui, que j'ai supposé existant, en lui observant que je présumois qu'il seroit semblable à celui de mes prédécesseurs.¹

J'ignore ce qui peut retarder la réponse à ma demande. Le Congrès n'étant encore composé que de 7. Etats il est déjà arrivé qu'un Député d'un Etat représenté uniquement par deux membres étant incommodé, et n'ayant pu se rendre au Congrès, la séance n'a pas eu lieu. Il faut que la réponse de M. Jay soit fondée sur une résolution de cette Assemblée, mais je n'ai aucun motif de la presser.

Le règlement du cérémonial prescrit de communiquer d'avance au Congrès le discours d'un Ministre étranger, afin qu'on puisse délibérer sur la réponse qui doit lui être faite et qui lui est également communiquée d'avance. Je vous avoue, Monseigneur, que je me suis trouvé dans quelque embarras à ce sujet. Une partie des peuples des Etats-Unis ont pu croire, que la révolution qui se prépare dans leur gouvernement fédéral a dû exiter l'attention du Roi et que l'arrivée du Ministre de S. M. en est une preuve. Je sais même que plusieurs partisans de la nouvelle Constitution, qui sont sans contredit les personnages les plus accrédités et les plus considérables des Etats-Unis, s'attendent à me voir prendre un

¹See *Am. Dip. Corr.*, 1783-1789, I. 341-343. Cf. Washington's controversy with Moustier over another question of diplomatic etiquette, *The Writings of Washington* (Sparks ed.), X, 8-11, and appendix III.

opinion accréditée contre l'intérêt que le Roi prend à la prospérité des Etats-Unis.

Principes que M. Jay impute à ce sujet à M. le C^{te} de Vergennes.

parti dans cet événement. D'une part mes instructions me prescrivent une conduite passive et la plus grande circonspection à cet égard, de l'autre la Constitution prend chaque jour plus de faveur et paroît devoir être adoptée par la majorité et peut-être par la généralité des Etats-Unis. J'ai cherché à me conformer également à mes instructions et à ce que les circonstances actuelles, que le Conseil du Roi n'a pas pû prévoir, semblent exiger, afin d'éviter de donner trop de consistance à l'opinion déjà fortement établie que le Roi a retiré tout son intérêt à la République Américaine, que ses succès non seulement lui sont indifférens, mais lui feroient même ombrager et qu'enfin S. M. n'a jamais eu d'autre but, que de voir ces Etats se détacher de la Grande-Bretagne sans désirer en aucune manière de les voir prospérer. M. Jay m'a parlé sur ce sujet avec beaucoup de franchise. Il prétend avoir des preuves que cette opinion est fondée, mais il a ajouté pour correctif qu'il pense que cette politique à l'égard des Etats-Unis étoit particulièrement celle de M. le C^{te} de Vergennes, contre qui il m'a témoigné la plus forte prévention. Il s'est en même tems infiniment loué, Monseigneur, des sentimens et des dispositions favorables qu'il m'a dit avoir reconnues en vous dans le tems où il a eu l'honneur de vous voir.

opinion que la nouvelle Constitution américaine ne tardera pas à être adoptée.

intérêt qu'il y auroit à détruire l'opinion que le Roi ne s'intéresse point à la prospérité des Etats-Unis.

Si la nouvelle Constitution est adoptée, comme il paroît qu'elle ne tardera pas à l'être, et que le Congrès en vertu de sa nouvelle forme acquière un pouvoir suffisant pour donner de la solidité et de l'efficacité à ses liaisons politiques, il seroit, à ce que je crois, de la plus facheuse consequence de laisser subsister et prévaloir l'opinion que le Roi ne s'intéresse pas réellement à la prospérité des Etats-Unis. L'effet en seroit de voir donner à l'Angleterre la confiance qu'on auroit retirée à la France, de faire de la première une alliée et de regarder l'autre comme une puissance jalouse. Je désire que les expressions de mon discours auquel j'ai cependant évité de donner trop de force, puissent servir à changer cette opinion et devenir susceptibles de l'interprétation la plus convenable aux intérêts du Roi selon les circonstances futures. J'en ai puisé le sens tant dans mes lettres de créance que dans mes instructions, dans lesquelles il est expressément marqué que *S. M. attache un grand prix au maintien de son alliance avec les Etats-Unis*. Cependant c'est sur le terme d'*Alliance*, que j'ai observé, que M. Jay s'est uniquement arrêté en lisant mon discours, dont je lui ai donné confidentiellement communication avant de le faire officiellement. Il m'a paru douter que l'Alliance entre le Roi et les Etats-Unis subsistât depuis la paix, jugeant, m'a-t-il dit, que tel aussi étoit le sentiment de ma Cour et que le traité de 1778. n'avoit été considéré que comme un moyen d'assurer l'indépendance des

M. le C^{te} de Moustier communique à M. Jay le discours qu'il doit prononcer à sa première audience.

M. Jay prétend être en droit de douter que l'Alliance entre le Roi et les Etats-Unis subsiste depuis la paix.

Etats-Unis. C'est de cette manière que s'étoit engagée la conversation, dont je viens de rapporter la substance. En attendant que je puisse être instruit de l'avis du Roi et de son Conseil sur l'Alliance, je crois que je dois paroître ne pas douter, qu'elle n'existe en son entier et me montrer convaincu que jamais le Roi n'a cessé de s'intéresser à la prospérité des Etats-Unis. Dès que j'aurai reçu la confirmation des avantages que S. M. est disposée à accorder à leur Commerce, j'en ferai usage pour détruire tant que je pourrai des préventions qu'on ne peut regarder que comme très nuisible.

Dans quelques conversations que j'ai eues avec différentes personnes relativement au Commerce entre les deux Nations, j'ai remarqué combien cet objet intéressoit un grand nombre d'Américains. Il n'occupe pas seulement les négocians, mais les planteurs qui ont besoin de débouchés pour leurs denrées. Les Antilles leur paroissent offrir le plus convenable. Ils ne peuvent assurément pas prétendre légitimement à un Commerce, qui tariroit pour nous la source d'un revenu public immense ; mais en attendant que les circonstances soient favorables à leurs désirs et que l'on puisse concilier à la fois l'intérêt du Roi, celui du Commerce du Royaume, celui des Colons et celui des Américains, ceux-ci trouvent moyen de faire dans nos îles une contrebande immense tant d'importation que d'exportation. L'expérience semble avoir convaincu le gouvernement François et celui de l'Angleterre que lorsque la contrebande est poussée à un certain degré et qu'il est devenu en quelque sorte impossible de l'arrêter, il est prudent de faire des réglemens de Commerce pour autoriser sous de certaines restrictions ce qu'on ne peut empêcher. C'est d'après ce principe que je pense que le désir que marquent les Américains unis, d'obtenir plus de facilités pour commercer avec les Antilles Françaises pourroit fixer de nouveau l'attention de l'administration. Peut-être seroit-il possible de trouver une compensation dans des droits perçus aux isles pour ce qui seroit perçu en moins aux douanes du Royaume. Probablement on obtiendrait des Américains des faveurs commerciales, en vertu desquelles les négocians seroient en état de suivre de nouvelles branches qui les dédommageroient de ce qu'ils croiroient perdre par un nouveau régime adopté pour le Commerce des isles. Je me propose de traiter avec plus d'étendue cette question importante : surtout à la veille de la révolution qui s'opère dans le Gouvernement fédéral. Elle sera l'objet des observations que j'aurai soin de rassembler sur le Commerce des Etats-Unis.

Je suis avec respect, Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

motif pour la France de donner attention au désir que marquent les Américains d'obtenir des facilités pour commercer avec les Antilles françaises — Compensation qu'il seroit possible de trouver.

V. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 162 ff.)

No. 10.

A NEWYORK le 21. Avril 1788.

rec. le 25 mai

Monseigneur.

Publication de l'arrêt du Conseil et de la lettre de M^r le Contrôleur Gⁿal relatifs au Commerce. Sensation que ces deux pièces ont faites.

L'arrêt¹ du Conseil et la Lettre de M. le Contrôleur Général, relatifs au Commerce des Etats-Unis avec le Royaume, m'étant parvenus, j'ai rendu ces deux pièces publiques par la voye des gazettes. Selon les informations que j'ai prises, elles ont fait ici une agréable sensation, mais moins grande à raison de l'attente où l'on était généralement sur cet arrêt, dont l'objet étoit déjà connu par la lettre de M. de Calonne à M. Jefferson. Les Américains sont d'ailleurs habitués à s'exagérer un peu leur importance et à croire qu'ils peuvent prétendre aux plus grandes faveurs de la part du Roi sans même songer à la difficulté d'offrir des avantages qui puissent entrer en compensation. En partant de ce principe ce n'est guère que parmi les gens éclairés, qui forment le plus petit nombre qu'on peut trouver soit de la reconnaissance réelle, ou du moins des démonstrations pour les services rendus aux Américains depuis leur Union avec la nation. Le plus grand nombre songe bien plus à demander encore, qu'à remercier de ce qui est accordé. Tous en général ne cessent de porter leurs vues sur une plus grande liberté de Commerce aux Antilles, où ils voudroient que les farines américaines fussent admises et d'où ils voudroient tirer directement le sucre et le café. Ce désir sera plus vivement exprimé de leur part à mesure que la surveillance des préposés aux douanes des Antilles sera plus efficace. Dans des momens on croiroit à les entendre, que tout ce qu'ils ont obtenu leur étoit dû et que tout refus d'accorder davantage est une injustice. Je ne suis point ici dans le Canton intéressé au Commerce du tabac, mais à en juger par le sentiment des Délégués du Sud, les intéressés auront encore des réclamations à faire.

désir général d'une plus grande liberté de Commerce aux Antilles. De l'admission des farines américaines dans ces Isles et de l'importation directe du sucre et du café.

Attente de nouvelles réclamations de la part des intéressés au Commerce du tabac.

nul inconvénient à ce que les Négocians François agissent avec lenteur et circonspection, l'état actuel du Commerce des deux Nations ne contribuant point du débit des manufactures françaises.

Je n'anticiperai point ici sur les observations que je me propose, Monsigneur, d'avoir l'honneur de vous soumettre sur le Commerce des Etats-Unis. Je reconnois de plus en plus la nécessité de ne point précipiter mon rapport. Il me paroît d'ailleurs qu'à l'égard des Négocians François, il ne peut y avoir aucun inconvénient s'ils agissent lentement et avec une grande circonspection. Quant aux Américains, tant que leurs habitudes en faveur des marchandises Angloises subsistent, la principale règle pour favoriser l'importation de leurs

¹ See references to this already given, p. 711.

denrées sera la mesure du besoin, qu'on en aura dans le Royaume. Dans l'état actuel le Commerce entre les deux nations ne contribue pas à l'accroissement de la navigation Française, ni au débit des manufactures du Royaume.

Il est intéressant pour nous que les Etats Américains sortent de l'indécision politique où ils sont. Soit que la nouvelle Constitution soit adoptée ou que la confédération déjà bien affoiblie cesse tout à fait, l'on saura du moins à qui l'on aura à faire. Aujourd'hui que l'on conserve un reste d'égards pour le Congrès, qui de son côté a encore un reste d'apparence de corps fédéral, on ne peut recevoir de sa part que des demandes pour lesquelles il n'a à rendre que des *résolutions réquisitions* et *recommandations* sans aucun moyen de leur donner du poids, ni d'assurer leur effet. Vous jugerez d'après cela, Monseigneur, que la partie n'est pas égale entre nous et quel avantage a M. Jefferson, qui peut toujours demander et solliciter, mais qui ne peut positivement rien promettre. Ce Ministre est sans doute un excellent citoyen Américain et du nombre de ceux qui croient qu'il est de l'intérêt de sa nation d'être très unie avec la nôtre, ce que je pense ainsi que lui, mais comme les faits prouvent que cette opinion n'est pas à beaucoup près généralement établie en Amérique, il me semble qu'il ne peut point y avoir de motif d'accorder aux Américains avec trop de facilité, ni de quelque tems, aucune faveur ultérieure purement gratuite.

L'état de faiblesse actuelle du Congrès subsistant, forcera à traiter des objets du Commerce avec chaque Etat en particulier puisque chacun fait des loix à cet égard sans sanction.

Attention à entretenir quelques Américains dans leurs dispositions favorables en leur confirmant les bonnes intentions du Roy pour leur Nation. utilité du voyage que M. le C^{te} de Monstier se propose de faire pendant l'été dans l'intérieur.

Si le nouveau Gouvernement s'établit nous pourrons traiter avec lui à ce que je présume avec sûreté et avantage. Si le Congrès se dissout ou qu'il reste dans l'état de faiblesse, où il est, je crois que nous serons obligés de traiter particulièrement avec chaque Etat sur les objets de Commerce, puisque chacun s'avise de faire des loix à cet égard sans consulter ni écouter le Congrès. Il est impossible dans les circonstances actuelles de rien entreprendre avec ce corps absolument inerte. En attendant je fais valoir, tant que je puis, les faveurs accordées par le Roi, les bonnes intentions de S. M., l'attachement de notre nation pour les Etats-Unis et j'entretiens de mon mieux les dispositions favorables, que je remarque dans quelques Américains ; conduite que j'aurai soin d'observer dans les voyages que je me propose de faire dans l'intérieur pendant cet été et dont je sens toute l'utilité dans les circonstances actuelles et éventuelles.

D'après les offres de service que m'a faites le G^{al} Washington je lui ai adressé quelques questions relatives au Commerce de ce pays-ci, sur lesquelles il me promet des éclaircissemens. Ensuite il ajoute : " Il me semble que le goût du " public pour les marchandises Françaises augmente. Il y a

observations que lui a faites le G'n'al Washington sur des questions relatives au Commerce.

“ cependant trois points qui donnent aux marchands Anglois
“ un avantage sur tous les autres :

“ 1^o, les longs crédits, qu'ils accordent et que je voudrois
“ voir abolis. 2^o, un dépôt de toutes les marchandises qu'on
“ peut désirer, concentrées dans la même ville. 3^o, une con-
“ noissance parfaite des objets manufacturés qui conviennent
“ aux Américains. La réflexion et l'expérience mettront les
“ négocians François en état de surmonter ces obstacles.”
Ces observations ont servi à me confirmer dans l'opinion
semblable où j'étois déjà sur les mêmes points.

Je suis avec respect,

Monseigneur,

Votre très humble et très obéissant serviteur,

LE C^{TE} DE MOUSTIER.

VI. MONTMORIN TO MOUSTIER.

(Archives des Affaires Étrangères, États-Unis, 1788,
Tome 33, folios 208 ff.)

No. 1.

A VERS^{LES} le 23. Juin 1788.

M. le C^{te} de Moustier

approbation donnée par le Roi au discours de M. le C^{te} de Moustier lors de sa 1^{ère} audience, ainsi que du parti qu'il a pris de se soumettre au cérémonial qui lui a été proposé — réflexion sur ce cérémonial.

J'ai reçu, M, les dépêches que vous m'avez fait l'honneur de m'écrire depuis le N^o 1 jusqu'à 10 inclusivement.¹

sentiment sur la Constitution actuelle des États-Unis et sur la nouvelle qui est près d'être adoptée

Le Roi, M, a donné une entière approbation au discours que vous avez tenu lors de votre première audience ; Sa M^{te} a également approuvé le parti que vous avez pris de vous soumettre au cérémonial qui vous a été proposé. Il faut convenir toute fois, que ce cérémonial est bien exigeant, et bien peu analogue à celui qui est reçu dans les Etats républicains en Europe. Aussi est-il à présumer que l'on s'occupera à le réformer si la nouvelle Constitution est adoptée comme tout semble l'annoncer.

motif de la réserve prescrite à M. le C^{te} de Moustier sur la nouvelle Constitution.

Ce seroit, M, se livrer à une discussion inutile que d'examiner si le changement qu'amènera cette constitution nous conviendra ou non, et si nous devons faire ou non des démarches pour le prévenir. Dans l'état où semble les choses nous devons nous en tenir au résultat, qui est : que si la nouvelle Constitution est introduite, la confédération américaine acquerra une force et une énergie qu'elle n'a pas eues et qu'elle n'a pu avoir jusqu'à présent ; et que si la Constitution ancienne est maintenue, la Rép. des 13. Etats unis ne sera qu'un phantôme, le congrès qu'un être de raison, et, comme vous l'observez, nous serons forcés de traiter de nos intérêts avec chaque Etat en particulier. La réserve qui vous a été prescrite sur cette matière, M, a pour base la

¹ It is noteworthy that Montmorin does not refer to Moustier's scheme for the seizure of New York and Newport.

raison des préventions
de M. Jay contre M. le
C^{te} de Vergennes.

M. Jay soupçonné d'
Anglomanie ou au moins
de peu d'affection pour la
France—sa jalousie contre
M^r Franklin.

réfutation de l'opinion
où est M. Jay que l'Al-
liance entre le Roi et les
Etats-Unis ne subsiste
plus.

assurance à donner à
M. Jay que le Roi re-
garde son alliance avec
les Etats-Unis inaltérable
— Détails de l'intérêt que
S. M. prend à leur pros-
périté.

résolution invariable du Roi de ne point s'immiscer dans les affaires intérieures des Etats-Unis : cette réserve est un hommage que Sa M^{te} rend à leur indépendance, et non une preuve d'indifférence de sa part. Si, comme je n'en doute pas, vous vous êtes expliqué dans ce sens avec M^r Jay, vous l'aurez sûrement fait revenir de l'erreur où il a paru être. Au reste, M, je ne suis pas étonné des préventions de ce Ministre Américain à l'égard de M. le C^{te} de Vergennes. Je sais que M^r Jay a été très exigeant, et qu'il prenoit de l'humeur contre quiconque se montroit opposé à ses demandes ; d'ailleurs il a toujours été soupçonné d'avoir un reste d'anglomanie ou du moins peu d'affection pour la France, et son sentiment prédominant étoit sa jalousie contre M^r Franklin, avec de pareilles dispositions il n'est pas étonnant que M. Jay ait été et qu'il soit encore injuste à l'égard de M. le C^{te} de Vergennes, malgré les importants services que ce dernier a rendus aux Américains. Quant à moi je n'ai jamais été dans le cas d'avoir des discussions avec M^r Jay durant mon séjour en Espagne, je lui faisois accueil ; je secondois ses démarches autant que cela pouvoit dépendre de moi ; d'après cela il est assez naturel qu'il ne se plaigne pas de moi : mais je doute qu'il en soit de même à l'égard de M^r le C^{te} de Floride Blanche. Au reste, M, toutes ces observations sont pour vous seul, et vous n'avez aucun usage à en faire auprès de qui que ce puisse être.

Le Roi et son conseil, M, ont été singulièrement étonnés de l'opinion où est M. Jay que l'Alliance entre le Roi et les Etats-Unis ne subsiste plus. Ce Ministre a donc oublié les termes dans lesquels cette Alliance a été conçue : s'il veut bien relire le traité du 6. février 1778 et se convaincre qu'elle est perpétuelle ; ou bien suppose-t-il que le Roi y a dérogé : je ne connois cependant de la part de Sa M^{te} qu'une accumulation de faveurs pour le commerce américain. Il est vrai que l'on voudroit que nous sacrifiassions à ce commerce nos intérêts les plus précieux ; et c'est probablement parce que nous n'avons pas la foiblesse de nous prêter à tant d'exigences, que l'on nous accuse non seulement d'indifférence, mais même d'avoir abandonné l'alliance. Il convient, M, que vous rectifiez les idées de M. Jay sur ces différents objets : vous l'assurerez que le Roi regarde son alliance avec les Etats-Unis comme inaltérable ; que Sa M^{te} a toujours pris et qu'elle ne cessera de prendre un intérêt véritable à leur prospérité, et que Sa M^{te} continuera à y contribuer autant qu'elle le pourra sans préjudice à ses propres intérêts. Voilà, M, la doctrine que vous devez faire germer et que le Conseil du Roi a été surpris de voir si mal établie.

manière dont M. le C^{te} de Moustier doit s'expliquer sur la nouvelle Constitution.

Quant à la nouvelle constitution vous vous abstenrez de l'apprécier : mais vous pouvez dire que le Roi verra avec satisfaction toutes les dispositions qui seront propres à assurer et consolider l'existence politique, la tranquillité et le bonheur les Etats-Unis.

approbation des observations de M. de Moustier sur nos rapports de Commerce avec les Américains.

Vos observations, M, sur nos rapports de Commerce avec les Américains sont très justes : c'est au fabricant à se plier au goût du consommateur, et non à celui-ci à recevoir la loi du fabricant : il faut espérer que cette vérité sera sentie de plus en plus : l'administration fera ce qui dépendra d'elle pour la faire fructifier. Je vois avec plaisir, M, que vous vous êtes déjà occupé d'une matière aussi importante, et je n'en aurai pas moins à recevoir les observations qu'elle vous fournira.

mauvaise volonté de M. Jay d'où résultent les difficultés qu'éprouve la Convention relative aux Consuls.

redressement de l'erreur où est M. de Moustier que la convention auroit pu être conclue en Amérique en 1782.

raison qui prouve que la négociation relative aux Consuls a dû être discutée à Versailles.

Quant à la convention relative aux consuls,¹ elle éprouve des difficultés qui ne sont dues qu'à la mauvaise volonté de M. Jay ; et à son envie de nuire à la réputation de M. Franklin. Je crois devoir vous observer, M, que vous êtes dans l'erreur en supposant que cette même convention auroit pu être conclue en Amérique en 1782, et que le siège de la négociation étoit à Philadelphie : M. de la Luzerne n'a été chargé que de sonder la disposition des esprits, et jamais l'intention du Roi n'a été de traiter autrement que sous ses yeux. Le Congrès a beau faire des résolutions elles ne nous forceront pas la main sur la marche que nous trouvons convenable de faire tenir aux affaires. Le règlement des fonctions circulaires est d'un avantage commun ; on est convenu de le faire lors du traité d'amitié et de commerce ; il étoit naturel de le discuter à Versailles, et non en Amérique où ces sortes de matières ne sont pas encore connues. Quoiqu'il en soit, M, il est tems de terminer cette fastidieuse discussion ; et je crois que le moyen le plus simple sera de conserver la convention en déclarant de part et d'autre, qu'elle ne durera que 10. ans. Je m'en expliquerai dans ce sens avec M. Jefferson en le priant de solliciter une résolution définitive de la part de ses supérieurs. Il est autant de l'intérêt des Américains que du nôtre de prémunir notre commerce respectif contre les vexations et les abus d'autorité ; ainsi la convention dont il s'agit les intéresse autant que nous ; c'est ce que je vous prie d'observer à M. Jay ; vous lui observerez également que toutes les stipulations de la convention étant réciproques ; nous ne voyons pas en quoi elle peut blesser la dignité et l'absolue souveraineté des Etats-Unis : si cela étoit ainsi, elle blesseroit de même la souveraineté de Sa M^{te} ; et ce sentiment ne l'a nullement frappé.

moyen le plus simple de terminer la négociation relative aux Consuls

¹ For the later phases of this negotiation see *Am. Dip. Corr.*, 1783-1789, III. 288-289, 416-423, 455-507 ; I. 382 ff.

Instructions qui seront concertées avec M. le C^{te} de la Luzerne relativement à l'incident auquel a donné lieu le vol fait par un matelot de la frégate l'Aigrette.

Je présume, M, que le Conseil aura rendu compte à M. le C^{te} de la Luzerne de l'incident auquel a donné lieu le vol d'une montre fait par un matelot de l'*Aigrette* ; je concerterai avec ce Ministre les instructions qu'il conviendra de vous donner sur cet objet, et sur les cas semblables qui pourroient encore se présenter. Je pense que l'on auroit bien fait de prévenir toute discussion en se hâtant de satisfaire la partie civile.

Communication que M. Jefferson vient de nous donner de ses pleinpouvoirs pour traiter l'affaire des Consuls.

P. S. M. Jefferson vient de me communiquer les pleinpouvoirs qui lui ont été adressés pour traiter l'affaire des Consuls ; nous ne tarderons pas à nous occuper de cet objet.

VII. MOUSTIER TO MONTMORIN.

(Archives des Affaires Étrangères, États-Unis, 1788, Tome 33, folios 214 ff.)

A NEWYORK le 25. Juin 1788
rec. le 26. septembre.

No. 15.

Monseigneur

difficulté qu'éprouve la formation du nouveau Gouvernement.

Le grand objet, qui fixe aujourd'hui l'attention des États-Unis, acquiert un nouveau degré d'intérêt par la difficulté, qu'éprouve la formation du nouveau Gouvernement, au moment où ses partisans en croioient le succès le plus assuré. Trois États sont aujourd'hui assemblés en convention pour prononcer sur la nouvelle Constitution ; à peine fait-on attention au Newhampshire ; son suffrage seroit à la vérité suffisant pour compléter les neuf, qui doivent déterminer le changement du Gouvernement fédéral, mais il n'est pas probable qu'il eut aucune influence sur la décision de l'État de Virginie ni sur celui de Newyork. Les antifédéralistes paroissent gagner du terrain dans le premier et ils ont une majorité reconnue dans l'autre. Les Chefs de ce parti s'y montrent à découvert. Il y a de l'animosité de part et d'autre en Virginie. Je me borne à vous nommer un seul chef de parti de cet État, M^r Patrick Henri, parcequ'il mérite d'être distingué de tous les autres par ses talents, son ambition et son influence sur le peuple. Son système seroit de détacher son État de la confédération. S'il entraîne les suffrages du peuple de l'intérieur et qu'il y réunisse ceux de la Caroline du Nord, qui doit se former en Convention la dernière, il pourroit former une masse assez forte pour se soutenir contre les efforts du parti contraire à son système.

Le système de M. Patrick Henri seroit de détacher la Virginie de la Confédération.

Dans cet État-ci l'opinion des Antifédéralistes est positivement en faveur de la séparation. Ils prétendent qu'il lui convient de former un Gouvernement particulier et de ne point se mêler de longtems des affaires de l'Europe, avec laquelle ils ne devroient même avoir que peu de liaisons de

L'opinion des antifédéralistes de Newyork est en faveur de la séparation.

commerce, qui ne peut leur fournir que des objets de luxe, dont ils devoient se passer pour vivre avec la simplicité qui convient à un Etat naissant.

dans le cas d'une scission parmi les Etats Américains nos combinaisons avec eux resteroient les mêmes.

Dans le cas où l'un des deux Etats ci-dessus ou tous les deux se détacheroient de la Confédération générale, les combinaisons avec les Etats Américains, qui ne seroient plus les Etats-Unis seroient d'une nature différente que dans la situation actuelle, où les puissances étrangères ne reconnoissent encore qu'un seul corps représentatif de la Souveraineté générale. Celles du Roi seroient essentiellement les mêmes, car tout se réduit à acheter des Etats Américains, unis ou non, les denrées, qui peuvent convenir, et à leur fournir les marchandises, qui peuvent servir d'échange à ces denrées. Dans des tems de crise les ports Américains seroient encore plus exposés qu'ils ne le sont aujourd'hui, à appartenir au premier occupant, ainsi que j'ai eu l'honneur de vous le mander, Monseigneur, par ma dépêche N° 2. Le Ministre du Roi en Amérique seroit accrédité séparément auprès de chacun des Etats ou des confédérations particulières et éprouveroit en conséquence selon les circonstances plus de facilités ou plus de difficultés dans ses négociations. Le remboursement de la dette due au Roi seroit un objet particulier, qui tomberoit sous un nouveau rapport ; mais S. M. peut dès aujourd'hui regarder tous les Etats comme solidaires et la dissolution de la Confédération ne changeroit rien au droit de S. M. J'attends toujours la décision de la crise actuelle pour rappeler aux Etats-Unis, quelque forme que prenne leur Gouvernement, la nécessité de s'occuper de ce qu'ils doivent au Roi. Il est probable que d'eux-mêmes il ne songeroient guère à cet objet intéressant. Leur impuissance est réelle mais s'ils n'étoient pas à ménager, il y auroit moyen de tirer parti de cette créance. Les Anglois sont aujourd'hui en possession des forts, qu'ils auroient dû restituer à la paix, sous prétexte que les Américains n'ont pas satisfait à l'engagement de payer leurs dettes envers les sujets de la couronne Britannique. La Reine Elizabeth avoit eu autrefois des places en dépôt dans les provinces unies pour caution des sommes que cette Reine leur avoit prêtées. Il y a sur ce Continent des ports qui seroient à la bienséance de S. M. dans de certaines conjonctures, principalement ceux de New-york et de Newport. On pourroit peut-être s'en emparer, moitié de gré, moitié de force et s'y maintenir autant que cela seroit utile aux intérêts du Roi en transigeant en conséquence sur la dette des Etats-Unis envers Sa M^{té}. C'est en partie pour faciliter cette opération que j'ai pensé qu'il seroit avantageux d'accoutumer les Etats-Unis à voir les Escadres du Roi fréquenter leurs ports régulièrement et alternativement.

en cas de scission des Etats, le Ministre du Roi seroit accrédité auprès de chacun d'eux. Facilités qui en résulteroient pour le succès de ses négociations.

Le Ministre du Roi attend la décision de la crise pour leur rappeler la nécessité de s'occuper de ce qu'ils doivent au Roi.

Moyens qu'il indique de procurer au Roi sur le continent de l'Amérique des ports qui seroient à la bienséance de S. M. et qui seroient le nantissement de sa créance.

Je m'abstiens de réflexions ultérieures sur la situation des Etats-Américains dans le cas d'une scission, jusqu'à ce que la grande question qui est actuellement prête à être décidée soit fixée d'une manière ou d'autre.

En attendant le Congrès figure autant qu'il lui est possible avec les foibles moyens qu'il a. Il a fait inviter tous les Etats par le Président à envoyer dans ces circonstances les Délégués nécessaires pour les représenter. Ils y ont eu égard et même celui de Rhodeisland, de sorte que si les Délégués étoient individuellement aussi zélés pour la chose publique, qu'il semble qu'ils le devroient, le Congrès pourroit être complet dès ce moment ainsi qu'on croit qu'il le sera dans peu, ce qu'on n'avoit pas vu depuis plusieurs années. Quelques membres sont absents dans ce moment uniquement pour leur plaisir. Rien ne les contraint à l'exactitude. Telle est l'organisation vicieuse du Congrès indépendamment de son manque d'autorité, qu'un seul membre peut par son absence ou en se retirant au moment de donner sa voix faire manquer une affaire même de la plus grande connoissance. On en a eu un exemple frappant l'année dernière. Le Congrès déliberoit s'il quitteroit Newyork, neuf Etats étoient représentés, celui de Jersey ne l'étoit que par deux membres sur lesquels on comptoit. Au moment de prononcer un des Membres se lève, prend sa canne et son chapeau ; on a beau vouloir le retenir, il part, va droit au *Ferry* et repasse la rivière pour retourner chés lui. C'est cependant un corps ainsi organisé, à qui l'on a à faire pour toutes les demandes et tous les traités.

exemple de l'organisation vicieuse du Congrès.

Au reste il a mis plus de promptitude dans la réponse au Mémoire, que je lui ai adressé par le canal de M. Jay, que dans aucune affaire qui se soit présentée depuis longtemps.¹ M. Jay lui-même est sorti de sa lenteur ordinaire. J'ai crû dans cette occasion devoir m'abstenir de toute autre démarche que de l'envoi de mon Mémoire au Secrétaire des Affaires Etrangères, à qui je n'ai même pas parlé de ce que j'y traitois ; mon objet étant de faire connoître au Congrès et à M. Jay que le Roy avoit lieu d'être mécontent. Je me suis borné à dire laconiquement aux deux Membres de la Virginie et à un autre que j'avois adressé un Mémoire au Congrès sur une affaire abominable et qu'il étoit nécessaire de prendre des mesures pour que rien de pareil ne put plus arriver. J'entendois par là la conclusion de la Convention Consulaire sur laquelle je ne voulois entrer en aucune explication afin que d'après mon mémoire il parut que je la regardois comme conclue à l'exception de quelques formalités. S'il y avoit au-

Le Congrès a répondu au Mémoire du Ministre du Roi, relativement à la Convention consulaire.

¹ This *mémoire* touched the Ferrier case. See *Am. Dip. Corr.*, 1783-1789, I. 354 ff.

Envoy de la réponse
de M. Jay au sujet de la
Convention relative aux
Consuls

jourd'hui en Amérique un corps réellement souverain, ou si nous étions dans le cas de traiter avec chaque Etat, qui sont tous seuls véritablement Souverains, la crainte bien ménagée pourroit produire de bons effets sur les mesures qu'ils prendroient à l'égard de la France, mais dans la situation actuelle des choses ce moyen n'agit qu'imparfaitement. Je lui attribue cependant la prompte résolution du Congrès. Je joins ici copie de la réponse que j'ai reçue de M. Jay. J'espère que les instructions envoyées à M. Jefferson sont satisfaisantes. J'imagine que ce Ministre Américain aura eu l'attention de faire observer au Congrès que l'arrêt du Conseil, qui accorde des faveurs particulières aux Américains n'est point un traité, mais un règlement d'administration, que le Roi peut révoquer ou modifier à son gré. Je crois qu'il est utile qu'ils soient pénétrés de cette vérité. Ils se sont persuadés jusqu'ici assés mal à propos, qu'on avoit un très grand intérêt à les bien traiter et qu'on ne sauroit trop leur accorder. Ils ont encore à revenir de beaucoup d'erreurs sur leur importance dans la balance politique de l'Europe. Il est facheux de reconnoître qu'ils sont très susceptibles de prétentions tandis qu'ils mettent on ne peut pas moins du leur pour engager à y avoir égard. S'il s'établit un nouveau gouvernement et que des hommes éclairés et non passionnés soient à la tête, il pourra se former un système plus juste sur les vrais rapports des puissances entre elles, des Etats-Unis avec l'Europe en général et avec la France en particulier.

Je suis avec respect.

Monseigneur,

Votre très humble et très obéissant serviteur

LE C^{TE} DE MOUSTIER.

P. S.

Accession du New-
hampshire à la nouvelle
Constitution.

On apprend dans ce moment que le Newhampshire a accédé à la nouvelle Constitution. Le Congrès peut actuellement délibérer s'il veut l'adopter aussi. Il est probable qu'il y accédera, mais sans la Virginie et le Newyork le nouveau Gouvernement existeroit plus de nom que de fait. La grande affaire consiste toujours dans le parti que ceux-ci prendront. Viendra ensuite l'exécution. Autre difficulté.

REVIEWS OF BOOKS

Historical Essays and Reviews. By MANDELL CREIGHTON, D.D., D.C.L., LL.D., etc. Sometime Bishop of London. Edited by Louise Creighton. (London, New York, and Bombay: Longmans, Green, and Company. 1902. Pp. vii, 356.)

So thorough was Dr. Creighton's scholarship and so judicious his spirit that most of what he wrote is of permanent value, and Mrs. Creighton, herself gifted as a historical writer, has done well to collect these articles, most of which were first printed in monthly magazines. The longest papers are those on Dante and Æneas Sylvius Piccolomini (Pope Pius II.). There are in addition shorter papers on minor figures of the Italian Renaissance, representing no doubt the author's by-studies in connection with his great work on the papacy; as on Vittorino dei Ramboldini, "A School-master of the Renaissance"; on Gismondo Malatesta of Rimini, "A Man of Culture"; on Olympia Fulvia Morata, "A Learned Lady" whose collected works were dedicated to Queen Elizabeth as the most learned sovereign of her time, and who, having lectured in the University of Ferrara on the philosophy of Cicero, when only sixteen, died after a troubled life at twenty-nine. Four of the longer papers relate to English history — those on John Wycliffe, on the Italian Bishops of Worcester, on the Northumbrian Border, and on the Fenland. Two deal with personal experiences of Dr. Creighton — the account of the Harvard commemoration of the two hundred and fiftieth anniversary, at which Creighton was present as representing John Harvard's college, Emmanuel, Cambridge; and that of the coronation of Alexander III., at Moscow, which Dr. Creighton attended in his capacity as a bishop of the Anglican church. The four concluding papers are reviews by Dr. Creighton of Symonds's *Renaissance* and other historical volumes relating to his special period. Though excellent, they are too brief to have much value and were hardly worth reprinting.

Gibbon found that to have been an officer in the English militia aided him as the historian of the military decline of Rome. Creighton, in his administration of his great diocese of London, proved to be an ecclesiastical statesman of the first rank; and his insight as an ecclesiastical historian owed much to this quality. The articles on the famous Renaissance pope Æneas Sylvius shows the balanced judgment of the man of affairs. When the first volumes of Pastor's *History of the Popes* appeared, Cardinal Manning with some complacency said that in view of the new information from the secret archives of the Vatican Creighton would have to revise his work. Pastor's third volume deals wholly with Æneas Sylvius, and the reader can now judge for himself which writer

has seen most clearly into the real meaning of this pope's career. He was of the paradoxical type of character that Creighton delighted in, with an admirable *amor scribendi* which made him desire to commit to paper all that he thought and felt. Even after he was pope he kept up his pursuit of learning. "We must," he said, "give some indulgence to our mind, whose delight lies in midnight studies." The result of his incessant use of the pen is that we know intimately the story of his life. He tells of his devout feelings, which did not, however, check his early profligacies; of his taking priest's orders comparatively late in life; of the shiftings of his diplomacy, for he was one of the greatest masters of that art in Europe; of his studious and earnest old age, when he warned the young against the errors that he himself had fallen into; and of his last supreme, but vain effort to rally Europe for a crusade to drive out the Turk, just become the master of Constantinople. His career presents an almost unequaled opportunity for historical antitheses in the style of Macaulay, or for harsh censure in the style of Æneas's German biographer Voigt. Not so, however, does Creighton depict him, and his sketch shows profound knowledge of human nature. "To me Æneas Sylvius seems consistent throughout. He is a cultivated man, adapting himself gracefully to his surroundings; his opinions, both moral and religious, develop themselves spontaneously, so as to accord with the position his talents are winning for him—a position which is day by day rising higher and higher, and so making greater demands upon his better nature, and freeing him more and more from the lower requirements of self-interest" (p. 84).

The same sobriety of judgment appears in the account of the Italian bishops of Worcester. Much has been said of the scandal of this practice of appointing absentee bishops, and no doubt in the thirteenth and fourteenth centuries it was a great evil. But Creighton shows how the foreigners were sometimes appointed because of the services they could render to the king of England. Before the end of the fifteenth century the revenues of Worcester were set apart for absentee Italian bishops, because these bishops acted at the Roman court as the agents of England. It was an advantage to England that such agents should be Italians, for these would know better the ways of the papal court, and the English king kept them to their work so strictly that one of them dared not take a holiday without Henry VIII.'s consent. In the article on Wycliffe Creighton shows how strong national spirit in England was in support of the man who attacked papal interference with English independence in church matters. These were the days of the Statutes of Præmunire and of Provisors, and even the English bishops were not so intolerant of Wycliffe as might have been expected on purely theological grounds.

Mrs. Creighton has contented herself with reprinting the essays almost without comment. We are not even told the dates of their first appearance. This is a pity, as the date of a publication would sometimes explain references that are not now pertinent. For instance, Dr. Creighton hopes that more of Wycliffe's works may be published. Since the

essay was written, the Wiclif Society has given to the world a handsome shelfful of the great teacher's hitherto unprinted writings.

GEORGE M. WRONG.

Essentials in Ancient History from the Earliest Times to the Death of Charlemagne. By ARTHUR MAYER WOLFSON, Ph.D., in consultation with Albert Bushnell Hart. (New York: American Book Company. 1902. Pp. iii, 528.)

THIS book is intended to furnish the basis for a one year's course in ancient history in the high-school. The author's experience has enabled him to select material and construct a narrative suited to the capacity of high-school pupils. From a pedagogical standpoint the work is successful; but even a brief review of its contents reveals errors in general treatment and in detail which make it far from possible to accord it like praise from a historical and literary standpoint. Comparatively little space can be given to the oriental nations. The attempt, therefore, to put political history and civilization on an equal footing has resulted in satisfactory treatment of neither. All recent investigations in these fields seem to have escaped the writer's attention.

In the history of Greece it is gratifying to find but twenty pages out of one hundred and seventy-five allotted to the Peloponnesian War. This is characteristic of this section of the book, and consequently civilization receives more just treatment than has been usual in text-books. The chapters on the Hellenistic period are reserved till the time when Rome comes in contact with the east — an arrangement which emphasizes the unity of ancient history very forcibly. It is, however, unfortunate to separate the civilization of the fourth century so far from the other events of that time. Hesiod should be mentioned and Lycurgus receives too much consideration (p. 75). Xenophon (p. 309) is not worthy of as much space as Herodotus and Thucydides combined (p. 155). The account of the reforms of Cleisthenes is confused (p. 98). Geographically, at least, Macedonia does not include Chalcidice (p. 194).

The good proportions observed in the pages devoted to Greek history are wholly absent from those devoted to the history of Rome and the west. In general less, and far too little, attention is given to topics relating to civilization. Too much space is given to early Rome. Until our ignorance on that period is more fully defined, old views cannot be wholly neglected in text-books; but it is going too far in the other direction to devote forty pages of "Essentials" to a detailed chronological narrative of events down to the war with Pyrrhus. A short summary of this period, and a judicious compression of the material on the later Republic would permit greater justice to be done to the far more important period of the Empire. One hundred and fifty pages are given to the Republic, and but one hundred to the first eight centuries of the Christian era. If this ratio were reversed, the proportions would be more nearly correct. The extension of Roman dominion over the ancient world is well brought out. For high-schools it is, perhaps, right to give the constitu-

tion but minor consideration. Were so many really killed in the Second Punic War that "few able-bodied men were left to cultivate the soil" (p. 349)? The significance of the invasions of the Cimbri and Teutones is not shown. Some pupils may be perplexed over the racial characteristics of the Germans who "had come to be the black terror of Rome" (p. 361).

The treatment of the Empire is everywhere inadequate. Christianity receives an over-prominence; and the heathen religion which it supplanted is neglected. Other elements of civilization do not receive due emphasis; this is especially true of the spread of culture in the provinces of the west. The story of the centuries after the end of the Empire is confused. Claudius was made emperor by the prætorians (p. 411). Caracalla's edict of 212 should be mentioned, and the date of the death of Theodosius should certainly be given. The Eastern Empire affected the west constantly during the middle ages, not "rarely," as the author seems to think (p. 479). The Saxons lived north and not east of Charlemagne's territory (p. 497).

The general bibliography and the reference lists at the ends of chapters should be made shorter and more discriminating. The reference lists fail constantly to give precedence to the best authorities, even considering only those cited in the lists themselves. The list of books recommended for a small library contains at least as many titles that should be avoided as titles that might be recommended. The equipment of maps is all that can be asked. The spelling of proper names in the maps and in the text should be brought into accord with some uniform system; Rome and Capreæ go oddly together (p. 216). The volume is profusely supplied with illustrations, which are, with rare exceptions, old and indistinct. It is preposterous to give full-page reproductions of restorations and modern paintings, and only very small and inferior cuts from such sources as the Hermes of Praxiteles.

A. C. TILTON.

The Principles of English Constitutional History. By LUCY DALE.
(London, New York, and Bombay: Longmans, Green, and
Co. 1902. Pp. xi, 509.)

In the preface the writer says that, were it now the custom to attach long explanatory titles to modest works, this book would probably be called "The Development of English Institutions: an attempt briefly to set forth the main results of modern historical research in a form acceptable to the general reader." The work is not without conspicuous merits; but neither this title nor the actual one is entirely justified by its character. The method of treatment adopted has perforce made the result essentially a general political history of England. Green's *Short History* or Gardiner's *Student's History* might with almost equal justice be called a constitutional treatise. The whole subject is carried along chronologically reign by reign. There is little attempt to trace the evolution of institutions or great constitutional organisms over long periods. There is, for example, no sustained treatment of Parliament, either in

its composition, its organization, its procedure, its privileges, or its relation to the executive. Indeed the work practically ends with the Napoleonic era, except that the chief dates are carried on to the Reform Bill of 1832; so that there is no adequate treatment of modern cabinet and ministerial government. Except for brief discussions of such topics as trial by jury, the Norman sheriff, and the justices of the peace in the Tudor period, the local constitutional history is almost entirely neglected. No authorities are cited. The problems which make up so large and vital a part of constitutional history are therefore avoided or treated in very general terms. The author has in the main attempted to deal with constitutional principles apart from constitutional details; but is it not safer and more enlightening to let the principles disclose themselves through the facts?

The first chapter, beginning with the accounts of Cæsar and Tacitus and closing with the battle of Hastings, is entitled "The Growth of the English People." The significance of the acceptance of Roman Christianity, of the union of Church and State, and of the Danish invasions is well brought out. There is, however, a lack of concrete details. One misses especially an account of local institutions which relatively constituted so large a part of old English life. Here also the inefficiency of merely general narrative is disclosed. We "hear of a custom," says the author, referring to the *comitatus* of the *Germania*, "by which a number of young men of good birth attached themselves to some distinguished noble, receiving food, clothing, and weapons at his hands, finding their only distinction in fidelity to him, knowing no law but his will." This description would apply better to the institution in Cæsar's time; for, according to Tacitus, besides the king and the elected *dux*, it is only the *princeps*, that is to say, the local magistrate chosen in the great folk-moot of the tribe, who is allowed to have such a following of *comites*. The privilege does not belong to the noble as such, implying a considerable advance in civic order. Moreover, it would have been instructive to compare the *comitatus* of the continental Germans with the *gesiths* and *thegns* of England, so important in the rise of feudalism. On the other hand, the system of "lords" for landless men is well interpreted. "Some such arrangement was perhaps necessary at a time when the country was reduced to chaos by constant war, when the law possessed only the most primitive machinery, and when there were no means of rapid communication whatever. A man's land was his only pledge of good conduct, and if he had none, it was the easiest thing in the world for him to slip over the border into the next shire, or even into the next 'hundred,' a division of which each shire held a good many, and leave no trace behind him." The process of general territorial infeudation would thus be encouraged.

The following seven chapters carry us forward to the reign of James I. Many of the summaries and some of the characterizations of men and policies are admirable. The attitude of William and his successors toward feudalism is ably described. Not so well handled is the reign of

Henry III. It is strange that no reference to the friars should be made in connection with Earl Simon's career. Proper stress is not laid on the legislation of Edward I. But it is a distinct merit of this work that the writer is ever on the alert to appreciate the influence of economic forces in shaping the English law and constitution. A good illustration is afforded by her explanation of the rising political importance of the middle class during the wars of Edward III., their increased power being due more to their growing wealth, supplying the sinews of war, than to their military achievements with the longbow. The ninth and tenth chapters cover the period of the Puritan Revolution and the Restoration. The treatment of the age of Oliver Cromwell is disappointing. Surely the remarkable legal, administrative, and constitutional experiments of the Civil Wars and the Commonwealth were deserving of more serious attention. The eleventh chapter, on the "Aristocratic Government at Home and Abroad," covers the period from 1689 to the fall of Sir Robert Walpole in 1742. The twelfth and last chapter deals with the "Formation of Modern Conditions." In this the responsibility of George III. and his advisers for the loss of the American colonies is treated with candor and insight. After all, making due allowance for incidental shortcomings, this is a very useful and well-written volume. Its value is increased by an appendix containing extracts from the sources. It would have been still more useful had carefully selected reference lists been supplied. A glimpse of the literature of constitutional history would be more helpful to the reader than the tables of dates appended to the chapters.

GEORGE ELLIOTT HOWARD.

The Discoveries of the Norsemen in America with Special Relation to their Early Cartographical Representation. By JOSEPH FISCHER, S.J., Professor of Geography, Jesuit College, Feldkirch, Austria. Translated from the German by Basil H. Soulsby, B.A. (St. Louis: B. Herder; London: Henry Stevens, Son, and Stiles. 1903. Pp. xxiv, 130.)

THE German edition of Professor Fischer's brief monograph on the Norse discoveries appeared little more than one year ago. Its excellence as a critical survey of the more important problems in this field of historical research is a sufficient warrant for the English translation that we now have at the hands of Mr. Soulsby, of the British Museum. In the small compass of about 100 pages Professor Fischer gives us a most satisfactory review of the present status of our knowledge concerning Norse discoveries and settlements in the west, leaving no ground for confusion between the facts as they are known and the expression of his own opinion. This was the task the author set for himself: to restate the problems relating to these discoveries, "to bring forward fresh arguments in support of accepted conclusions," to give the results of his own critical studies of the early maps relating to this northern region. That he has an acquaintance with the sources which have long served students he shows every evidence, and he gives due credit throughout to the re-

searches of such investigators as Storm, Reeves, Bruun, Finnur Jónsson (not Jónsson Finnur, tr.), Nordenskiöld, with whose opinions on the more important points he finds himself in accord.

Professor Fischer does well to suggest the possibilities that either in the Vatican archives or elsewhere in Italian libraries much valuable material may yet be found touching Norse civilization in the centuries preceding the Columbian voyages. His own search through these records was rewarded with the discovery of new material relating particularly to the geography of the Northland. The record of these results finds place in his work.

In his first chapter "The Earliest Accounts (Eleventh and Twelfth Centuries) of the Discoveries of the Norsemen in America" are reviewed, with a disposition to accept as trustworthy the statements of Adam of Bremen, Ari, and the references of the *Landnámabók*. The very brevity of such notices of Wineland as are here found, he thinks, is an argument in favor of reliability. "It must be noted that every passage speaks of Wineland the good as a country universally known and in want of no further explanation."

The second chapter presents "The more Detailed Authorities of the Thirteenth and Fourteenth Centuries," particularly the Saga of Eric the Red, the Book of Hauk, and the Flatey Book, the only ones of importance. In the opinion of Professor Fischer there is no question that the first two are the most reliable, especially in their reference to Wineland. The version of the Flatey Book is contradicted by the earliest authorities, which entirely support the account of the Book of Hauk. Although the Flatey Book has enjoyed the greater popularity by reason of its detailed descriptions, the latest scholarship does not accept its statements concerning the discovery of Wineland. There have been wilful insertions and omissions.

In Chapter III. "The Growth of the Norse Colony in Greenland" is considered, *i. e.*, the status of the civilization. Besides the Vatican records, which are all important touching the religious condition of the colony, the author here gives especial credit, because of their reliability, to the three Scandinavian sources, the King's Mirror, the Icelandic Annals, and the description of Greenland by Ivar Bardsson. "We are lost in admiration of a masterpiece of history," he says in reference to the King's Mirror, "which can justly claim to stand next to our chronicles."

In this section the questions considered relate to the location and number of settlements, to the Norse population of Greenland, to the character of the homestead and the occupations of the people. He cannot agree with Nordenskiöld and the majority of the earlier writers that the "Eastern Settlement" and the "Western Settlement" lay partly on the east and partly on the west coast of Greenland. He upholds and adds new arguments to the beliefs of Major, Storm, and particularly Finnur Jónsson that both colonies were situated on the west coast. This important question he examines in somewhat exhaustive detail. Jellic's

number of diocesans at Gardar as 10,000 he reduces to 5,000 on what is clearly a correct computation of the crusade penny of 1327.

Although the chief occupations of the people were fishing, hunting, and cattle breeding, the love of adventure by land and by sea was fostered. "The discoveries made by the Norsemen in the eleventh, twelfth, and thirteenth centuries rendered it possible for them to draw a map of America, that is Greenland, long before the time of Columbus, and a map so accurate that a cartographer to whom Nordenskiöld showed a copy stoutly maintained it to be a forgery of the nineteenth century." Greenland's civilization in the fourteenth century was in no wise inferior to that of Iceland. The Zeno record, which would make it of a higher order, he dismisses because of the thoroughly unreliable character of the account "compiled from widely different sources."

Chapter IV. deals with "The Fate of the Norse Colony in America." The so-called "unimpeachable evidence" of the colonization of Wineland by the Norsemen he considers to be "no evidence." The cross-worship is no proof that Christianity was introduced into America before the time of Columbus, since the cross is also found in other parts of the world as a sacred symbol. Wineland's history ends with the ill-fated mission of Eric the Red in the year 1121, and all arguments brought forward in support of a permanent colonization of Wineland by the Norsemen have proved to be untenable. Concerning the fate of the Greenland colonies we are better informed. Their decay was gradual, not so dramatic as Jelic and his followers would have it appear. For the situation in Greenland in the fifteenth century, in which time contact with Europe was interrupted and evil days had come upon the colonies, the papal brief of Alexander VI., recently come to light, gives to us the latest and most reliable information.

It is in the fifth and last chapter, on "The Conception and Representation of the Discoveries of the Norsemen in America," that Professor Fischer makes the most valuable and interesting contribution to the subject. The cartographical representations, he thinks, have but recently received a proper consideration. He discusses the rise of the insular and peninsular theories concerning Greenland, and the representation of the northern region on the earliest maps and those of later date.

The Claudius Clavus map, which is the first of the Northland added to the list of Ptolemy maps, is not of Scandinavian-Byzantine origin as Nordenskiöld would have us believe, but rather of Scandinavian-Italian, showing unmistakable evidence of the influence of the Portolano. In short, Italy was the country where first arose the practice of giving as supplements to the Ptolemy manuscripts, and later to the printed editions, the "*Tabulæ modernæ extra Ptolemæum*."

His study of the work of Donnus Nicolaus Germanus (not Nicolaus Donis as Trithemius has it) is all too brief, and yet sufficient to direct attention to the great significance of this geographer. Donnus Nicolaus was a cartographer whose history is little known, though Fischer adds here, as he has done elsewhere, to our knowledge of him. It is certain

that he was not a Benedictine of Reichenbach. In 1466 he appeared in Florence, where he presented to Duke Borso di Este a work entitled *Cosmographia*. In the following years he produced several copies of this work of Ptolemy, dedicating the earlier ones to Duke Borso and the later ones to Pope Paul II. These dedications with a few other extracts from the sources are given in an appendix.

The earlier maps of the northern regions, as the Clavus map, indicate with accuracy the relative positions of Greenland, Iceland, and Scandinavia. Professor Fischer shows how in all probability the change of location indicated in so many of the maps of later date came about, and why in point of accuracy they are inferior. He traces the error primarily to Donnus Nicolaus, whose authority, however, must have been Scandinavian records. The Ulm edition of Ptolemy first indicates the change in location, and what is unmistakably the manuscript original of this edition was very recently discovered by our author in the library of Wolfegg Castle.

It was while searching the archives of this castle that he likewise discovered the Waldseemüller map of 1507 and that of 1516, of which discoveries the first mention, with a brief description, is given in this work. The first of the Waldseemüller maps reproduces the Ulm type, and as this map was printed in 1,000 copies and in all probability widely distributed, we have an easy explanation of the false notions so generally entertained concerning the relative position of the lands of the north.

Some attempt is made to ascertain the exact location of Helluland, Markland, and Wineland and to identify certain other regions referred to in early records. Ten plates of maps are appended, selected chiefly from the Wolfegg and Vatican manuscripts, and from the Waldseemüller maps of 1507 and 1516.

It is to be hoped that Professor Fischer will continue his researches in this field, for we have in this piece of work the evidence that a scholar has entered it who proceeds with the sympathy, caution, and knowledge so characteristic of Reeves and Storm, two of the most reliable investigators, whose work has been but recently ended.

E. L. STEVENSON.

Les Sources de l'Histoire de France depuis les Origines jusqu'en 1815. Vol. III. Les Capétiens (1180-1328). [Manuels de Bibliographie Historique.] Par MM. MOLINIER, HAUSER, BOURGEOIS, YVER, TOURNEUX, et CARON. (Paris: A. Picard et Fils. 1903. Pp. 248.)

THE rapidity of the work done by M. Molinier and his co-laborers is excelled only by its perfection. For condensed excellence these *Manuels* are model products of bibliographical scholarship, unless one is disposed to quarrel with the method adopted. For here is ground for disagreement. The field is not so accurately defined as in Professor Gross's work upon the sources and literature of English history, and one knowing that work wishes that the Harvard professor's French emulators had

endeavored to include also a fuller account of the literature of the subject, the allusions made of this nature being tantalizingly few. It is true this method would have much enlarged the volumes, but it would also have much enhanced their value to the scholar; and some space might have been saved by the use of smaller type in explaining titles.

A most excellent feature of the work is the brief and synthetic historical summary which is prefixed to certain of the chapters, though the characterization of the story of the fourth crusade as "cette lamentable et ridicule histoire" (p. 27) has the grimness of William the Conqueror's famous comment upon the prowess of the abbot of Hyde Abbey. American scholarship is given signal recognition, of course, in the chapter of sources and authorities upon the Inquisition, Mr. Henry Charles Lea's three volumes being declared to be a work "de premier ordre, le seul à consulter aujourd'hui" (p. 70). But why not mention the appendixes of original documents, which fill fifty printed pages?

There are a few notable omissions: In item 2237 Miss Norgate's article upon the trial of King John, printed in the fourteenth volume of the *Transactions of the Royal Historical Society*, is omitted from the literature of the subject, an important omission, for Miss Norgate joins issue with French scholars as to the probability of John's trial in 1202. The letters of Stephen, bishop of Tournai (*Scriptores*, XIX. 282-306), which throw considerable light on Philip Augustus's early years, do not appear among the sources of the reign. The paragraph on pp. 39-40 upon the literature of the Fourth Crusade ought to include Streit, *Venedig und die Wendung des vierten Kreuzzuges gegen Constantinopel*; Winkelmann, *Philip von Schwaben und Otto IV.*, in the *Jahrbücher*; Heyd, *Levanthandel*; and even Pears's *Fall of Constantinople*. In the long chapter devoted to the reign of St. Louis one fails to find among the *documents administratifs* Etienne Boileau's *Règlements sur les Arts et Métiers de Paris*, compiled under the direction of the provost of Paris. *The Letters of Henry III.* (Rolls Series) is missing also from the *sources étrangères*. Parenthetically, it may be said at this point that the Rolls Series and the *Calendar of State Papers* are more than once confused, e. g., Nos. 2883, 2884, 3056. In Chapter LIII., that upon Charles of Anjou, Professor Richard Sternfeld's writings fail of mention unless he be included in the statement made of Cadier's *Royaume de Sicile sous Charles d'Anjou*, that "on y trouvera la bibliographie complète du sujet," which seems an unjust discrimination, since Sternfeld is pioneer and peer in the Angevin field. Finally, Rishanger's *Gesta Edwardi* (1297-1307) and the three fragments of *Annales Regis Edwardi Primi* attributed to him fail to appear among the *chroniques anglaises* bearing upon the rule of Philip IV.; and what is more surprising, no reference is made to the discussion of the bull *Unam Sanctam* and its origin, to be found in the *Revue des Questions Historiques* for 1879 (Vol. XXVI.).

JAMES WESTFALL THOMPSON.

The Enemies of England. By the HONORABLE GEORGE PEEL.
(London : Edward Arnold ; New York : Longmans, Green, and
Company. 1902. Pp. x, 287.)

THE late remarkable discussions in the English Parliament and press on the ever increasing armaments would make a thorough treatise on England's enemies very timely, since it is presumably in large measure due to the Anglophobia of the continent that England is incurring the heavy annual expenditures of her military and naval budget. Indeed, according to the Honorable Mr. Peel, this hostility is a much more important cause even than is usually supposed. The enmity and hatred of continental powers, he declares, has been and will remain the permanent and determining factor in English politics ; it is "the pivot of our foreign, or even of our domestic affairs ; it dominates our finances ; it regulates our armaments ; it presses, like the air we breathe, upon every pore of the commonwealth."

The cause, origin, and history of this antipathy forms the real text of Mr. Peel's book. The explanations commonly adduced are all insufficient, says the author. "Neither race, nor religion, nor manners, nor trade, nor envy, nor nature, satisfactorily account for this antagonism." The explanation must be found in the attitude of England during the long process of the reconstitution of Europe after the triumph over barbarism in the eleventh century. The historic development of the present European commonwealth of twenty states is marked at frequent intervals by the rise of a single state that threatened for the time being to absorb and dominate its neighbors. At such times England invariably appeared as the guardian of European liberties, thwarting the cherished aspirations for universal dominion just at the moment when they seemed nearest their realization. This Mr. Peel declares to be the "true cause." When the papacy was all-powerful and demanded fealty from the European states, England set the example of independence, and when the terms of Villafranca and Zürich might have secured to the pope the headship of the Italian state, the machinations of England frustrated the "holy plan." It was England that checked Spain in her career toward a world-empire, overthrew the rising supremacy of the Dutch, and thwarted the ambitions of France under Louis XIV. and Napoleon I.; and in our own time she alone among the powers stands as the insuperable obstacle to the attainment of undue power and influence by Russia and Germany. England, "the champion of the liberties of Europe during eight centuries," has barred the way to the ambitions of the continental powers. Their hatred and hostility have been the result. To this, the great primary cause, the author adds another. It lies in the fact that England alone has established outside of Europe nations of her own blood, language, and institutions, thereby impairing the ascendancy of Europe and setting up a perpetual barrier against the ambitions of the old states.

In the development of the subject the simple chronological method is pursued ; the enmity of the different countries as it appears in history

constitutes the subject of nine out of the twelve chapters. It is in the discussion of these topics that the student of history is chiefly interested. The theory, however plausible, can be of value only in so far as it is based on the facts of history. Unfortunately these historical chapters are on the whole disappointing. The theory is so uppermost in the mind of the author that history is frequently misinterpreted to bear it out. How can we otherwise account for the extraordinary idea that England's policy in the Hundred Years' War was prompted by the interests of European liberty against the dangers of French ambition for ascendancy on the continent (p. 21); or how explain the use made of the strife for "another half-century and more . . . for a Calais which England would not yield" (p. 84)? The wars of England against Holland in the seventeenth century are not usually looked upon as wars in the interest of European liberty.

Errors are not infrequent. The marriage of Ferdinand and Isabella in 1479 (p. 94); Cardinal Beaufort, half-brother of Henry VI. (p. 88); the race that had driven out the Cæsars (p. 126); the motives of Henry VIII. for the divorce from Catherine (p. 100) serve as illustrations. The sense of proportion is poor. Nearly four pages on Solymán the Magnificent (pp. 102-105) and a remarkable paragraph on Selim I. as a poet (p. 102) are scarcely warranted at the expense of only incidental mention of the Armada. Closely associated with the tendency to introduce irrelevant matter is the inordinate use of figurative language. The frequent figures of speech, though sometimes very happy, are more frequently superfluous and often comical. On page 48 we find the "Normans, seated on the Channel"; a little further on, "Louis XIV. . . . sent a shock of pain along every nerve of the English people"; and after the Congress of Vienna "England turned her face from that embittered continent, sheathed her red victorious weapon, shook out her white untarnished canvas, and stood to sea."

The volume contains much that is valuable and suggestive, but the theory dominates the facts, and even the most patriotic Englishman will be surprised to find how absolutely immaculate and devoid of all selfish designs has been his country's international policy.

Studies in the History of Educational Opinion from the Renaissance.

By S. S. LAURIE, A.M., LL.D., Professor of the Institutes and History of Education, University of Edinburgh. (New York: The Macmillan Company; Cambridge: At the University Press. 1903. Pp. vii, 261.)

THE author had in view in the preparation of this work "the education of those who mean to devote their lives to education" (preface, vi). Of the sixteen chapters which the book contains, the first three are devoted to the educational bearings of the great Renaissance, with especial reference to Vittorino da Feltre, Trotzendorf, Sturm, and Neander; the fourth offers a brief survey of the beginnings of humanism in the universities, with an interesting reference to George Buchanan; the three

next following treat respectively of the educational doctrines of Sir Thomas Elyot, Rabelais, and Roger Ascham, with brief notes on Erasmus, Hieronymus Wolf, Mulcaster, Brinsley, and Wimpheley, and on the origin of Ascham's method of "double translation." The eighth chapter gives a brief estimate of the educational services of the Jesuits, and the ninth, on Montaigne, closes the first general division of the work. Of the remaining chapters, on the Modern Period, one each is devoted to Francis Bacon, Comenius, and John Milton, three to John Locke, and the last to Herbert Spencer. The author justifies his assignment of so large a proportion of his space to Locke on the ground of his conviction that Locke's "*Thoughts* read along with his *Conduct of the Understanding* is, spite of some obvious faults, the best treatise on education which has ever appeared with the (doubtful) exception of Quintilian" (preface, vi).

The rather irresponsible title of the book forestalls any criticism based on the demand for completeness. A work which passes directly from Locke to Herbert Spencer makes no claim to completeness. It would seem to be the author's main purpose to bring out distinctly the leading types of modern educational opinion, as indicated by such terms as humanism, formalism, realism, sensationalism. In this endeavor he has met with good success. The educational significance of humanism, and the various meanings which have attached to the word "realism," are set forth with great clearness and with abundant illustration (*e. g.*, on pp. 6, 23, 31, 62-63, 106-107, 122-123, 159-161). Much attention is devoted to the attempt to classify the several writers studied, with reference to these several terms. Ascham is called a humanist, Montaigne a rationalist, Comenius a sense-encyclopedist, and Milton a classical encyclopedist. This familiar method can undoubtedly bring forth much of value. In this book it is employed with skill and acumen, and is made to prepare the way for some such broad organization of educational doctrine as Professor Laurie himself has given us in his constructive treatises. Still it is only a partial method, and has dangers enough of its own. It should be added that this book does much more than apply the method referred to. The thought of several writers is presented with considerable fullness, and as far as possible in the words of the original essays. The influence of writers one upon another is traced with care. The very important relations of educational opinion to the educational practice and the whole civilization out of which it arose are only hinted at.

In general, we may say that the work is interesting and stimulating. It contains some good examples of Professor Laurie's brilliant, epigrammatic style. There are examples, too, of his characteristic transition from the careful, detailed study to the unfinished sketch. The chapter on Spencer is noticeably different from the rest of the book, being largely polemical.

The volume is not provided with either index or formal bibliography, but some brief bibliographical notes appear in the body of the work.

ELMER ELLSWORTH BROWN.

Histoire de France depuis les Origines jusqu'à la Révolution. (Publiée sous la Direction de M. Ernest Lavissee.) Tome quatrième, II. Charles VII., Louis XI., et les Premières Années de Charles VIII. (1422-1492). Par CH. PETIT-DUTAILLIS. (Paris: Hachette et Cie. 1902. Pp. 456.)

THIS volume forms the second part of the fourth volume of the history of France being published under the editorship of M. Lavissee, and closes the period of the middle ages. M. Ch. Petit-Dutaillis has maintained the high standard set in the preceding volumes (see THE AMERICAN HISTORICAL REVIEW, VII. 177). The period treated is one of the most attractive and important in the history of medieval France, embracing as it does such episodes as the expulsion of the English from France, the destruction of Burgundy as a rival power, and the reconstruction of France by Louis XI. Two hundred pages are devoted to the treatment of "La Société et la Monarchie à la Fin de la Guerre de Cent Ans." This is in keeping with the plan of the entire work, which aims to be a history of the development of French society as a whole. In the presentation of the subject-matter, the careful maintenance of proportion, the avoidance of unsound generalizations, the skill with which the reader is kept *en rapport* with the quantity and quality of the evidence upon which the narrative rests, the introduction of local color, heightened at times by the use of the quaint language of contemporaries, the artistic portraiture (Joan of Arc, Charles VII., Louis XI.), and the fair scientific spirit that seems to animate it, all appeal to the student of history in an irresistible manner. Whether the work will be as acceptable to the general public remains to be seen. It ought to have a great educational value in France.

For a volume of this general character, the bibliography is very full. Not only are the source collections and the best monographs cited, but the articles in reviews and even unpublished works of value and volumes now in the press are utilized by the author and find their place in the bibliographies. The work will be very helpful to those who wish to become oriented. It is a pity that the excellent study by M. Petit-Dutaillis on the sources of French history in the fourteenth and fifteenth centuries (*Revue de Synthèse Historique*, IV. No. 1) could not have been reprinted as a part of this volume.

One naturally asks what is found in this volume that is not found in Michelet, the only one of the old histories "still worthy of being read." Michelet's sixth volume, closing with the death of Louis XI., appeared in 1843. Since that time the history of this period has been entirely renewed. Fifty years ago it was but poorly known, but since that time, especially in the past twenty years, it has engaged the attention of an unusually large number of investigators. As a result, there is "not a single one of the aspects of this tumultuous epoch that has not been profoundly modified, and numbers of historical problems have arisen that had not even been proposed before." A rapid glance over the bibliographies in the book reveals the fact that the great majority of the secondary works were pub-

lished between 1883 and 1902. Of the men whose names appear on the cover of this volume as collaborators and who have enviable reputations for sound historical scholarship, but four are to be found in the bibliography of French history published by Monod in 1888. Had it appeared five years earlier, it would not have contained one of them. Admirable as was the work of Michelet, he was but a pioneer. He came too early to take advantage of the exhaustive monographic work that alone can serve as a foundation for larger syntheses.

It is not claimed, however, that the present history of France is definite. It will be more than one generation before it will be possible to make the final synthesis, if it is ever possible. The large lines of the period are clearly fixed. "Almost no subject has been completely exhausted, but nearly all questions have been touched upon, some provisional conclusions have been reached, the connections between facts have begun to appear, and programs for methodical investigations may now be prepared." "The purpose of the work, then, is to sum up the results of a half-century of investigation and to lead the way to more thorough investigations, which will in time render a new synthesis necessary."

FRED MORROW FLING.

Life of Ulrich Zwingli, the Swiss Patriot and Reformer. By SAMUEL SIMPSON. (New York: The Baker and Taylor Co. 1902. Pp. viii, 297.)

THE author's purpose, as expressed in his prefatory note, was to write "a brief, readable, and authoritative life of Zwingli," keeping "steadily in mind the requirements of the general reader for whom the work is primarily designed." In the first aim he has been successful, the biography containing about one-half as much matter as either of the two other good lives in English, Cochran's translation of Christoffel (1858) and Jackson's *Zwingli* (1901). It is also a readable narrative of the gradual development of the very human humanist, "the child of the schools," into the patriot and reformer. From the happy childhood days "under the open sky and amidst the flocks at Wildhans high up in the Toggenburg valley," through "the solitude of the forest hermitage with its library and little coterie of pious and scholarly companies" at Einsiedeln, to the stirring scenes at Zürich and the final tragedy at Coppel, the story is well told. The book makes no pretense of being a history, like Ranke's *Wallenstein*; it is distinctively biography. The best portions and those most likely to linger in the memory are Chapter II., "Parentage and School Life," the part of Chapter III. devoted to the Marburg Colloquy, and the account of Zwingli's death in Chapter IX. Dr. Simpson follows Christoffel in closing his book with the contemporary eulogy of Bullinger. The general reader will find the brevity and movement of the book satisfactory. It is confessedly not meant to meet "the needs of students." In point of completeness and *Apparat*, it would not bear comparison with Professor Jackson's scholarly biography; and the author states that he began his work before the appearance of the latter book.

Such a book evidently has its self-imposed limitations, some of which may fairly be considered defects, even in a brief and readable life. There is, for example, no description of the municipal government of Zürich. The references to its councils should have been accompanied with at least a single sentence explaining their composition and functions. The characterization of the "members of the Great Council" (p. 129) as "the people's representatives" certainly needs qualification for the general reader, who would hardly think of it as a body composed of delegates of the guilds, and with disproportionate representation of the guild of the nobles and rich men. Zürich was hardly a democracy in the modern sense; and Zwingli in his preface to his translation of Isaiah expressed a preference for aristocracy, rather than democracy or monarchy. Even in a life of 297 pages, there should have been found room for some brief exposition of Zwingli's pregnant idea of the church as the *Gemeinde* or *concio*, so clearly brought out by Ranke; some general characterization of Zwingli's work and thought; and some description of the system of church services and education after the introduction of the reform.

Some condensation in translation is unavoidable in such a brief readable book but it should not misrepresent, nor omit in brief selections which are apparently complete quotations. In three brief sentences of a dozen lines the space saved does not warrant, in a quotation otherwise complete, the failure to translate in the phrase "a poem of Erasmus" (p. 38) the adjectives "*trostlich*" and "*hochgeleerten*," two words which so aptly characterize Zwingli's tender heart and his judgment of Erasmus. "Yet they think it no crime at all to sell human flesh to the foreigner" (p. 99) certainly leaves something to be desired in point of accuracy and vigor as a translation of "aber menschenfleisch verkoufen und ze tod schlagen halt er nit für ein grosse sünd"—the picturesque words of the chaplain of Glams, who had witnessed two campaigns and the slaughter of a quarter of the Swiss army at Marignano. A more serious criticism must be passed on the misleading account of the discussion of January 29, 1523, at Zürich (pp. 123-124). Dr. Simpson makes Faber, Zwingli's opponent, speak but once, "and with some confusion." After referring in the succeeding sentence to the repeated challenge of Zwingli, the author proceeds: "An awkward pause followed this speech. As no one seemed ready to reply, the burgomaster adjourned the meeting until the afternoon." He mentions no discussion at all in the afternoon session, and throughout would certainly give the impression that there was no debate. As a matter of fact, the discussion, which took up the forenoon and some time after the announcement of the decision in the afternoon, was vigorous and lengthy enough to fill twenty-six of the good-sized pages in the standard edition of Zwingli's *Werke* (Vol. I., 117-143). The very reference to the *Werke* given by the author quotes a score of replies by Faber and the brief remarks of at least eight other participants.

The half-dozen misprints noted are not important, save the failure to indicate in the foot-notes the two parts of Vol. II. of Zwingli's *Werke* (p. 65 should read I., Part 1, p. 7; p. 141, II., Part 2, p. 232; p. 239,

II., Part 2, p. 275; etc.). It was Upper Unterwalden (Obwalden), not Unterwalden, that sent the abusive reply to the invitation to the second disputation (p. 131). A decided misapprehension would arise from the author's confusion of the "free bailiwicks" (*Gemeine Herrschaften*) with the friendly allies of the Swiss Confederation; in his misstatement in the note on page 11. "At the time of the Reformation," "Geneva, the Grisons, the principedom of Neuchatel" were friendly allies but far from being *Gemeine Herrschaften*. The publisher's phrase, "illustrated with attractive half-tones," does not hold good of the inappropriate views of modern Basel and Zürich, the latter with a large Luzern Hotel sign conspicuous in the foreground. In place of these one would gladly see a view or plan of Zürich in Zwingli's day, and a map of Switzerland.

In spite of its intentional limitations and its minor defects, the book is worthy of being read by busy men. It was worth the writing, if it shall spread interest in and knowledge of Zwingli and the Switzerland of the Reformation, both so little known to English and American readers. The life might be more authoritative; but it is "brief and readable," giving a clear idea of an attractive personality, and of "the spiritual growth, . . . gradual and progressive throughout . . . of a mind earnestly bent upon truth." Something of the simplicity, directness, and progressiveness of Zwingli has been wrought by the author into his narrative.

HERBERT DARLING FOSTER.

Politics and Religion: A Study in Scottish History from the Reformation to the Revolution. By WILLIAM LAW MATHIESON. (Glasgow: James Maclehose and Sons; New York: The Macmillan Company. 1902. Two vols., pp. xvi, 412; xv, 387.)

Scottish History and Life. By JAMES PATON, F.L.S. (Glasgow: Maclehose and Sons. 1902. Pp. vii, 343.)

MR. MATHIESON'S brilliant work is not a history of Scotland but rather an interpretation of Scottish history during the eventful period with which he deals. The factors which he regards as most important for the political development of the nation are "the potency of the national spirit, the relations of Church and State, the growth of sentiments and opinions, the rise and conflict of parties, and the character and influence of leading men." Although a large part of these two solid volumes is devoted to matters ecclesiastical, the question of the form of church government is strictly subordinated to the formation of a national church, an achievement which crowned the efforts of the moderate party. This end, indeed, was promoted by the extremists, whether of the school of Knox or of Laud, only in so far as their excesses during their period of predominance disgusted and repelled the nation. An excellent illustration of this is Mr. Mathieson's description of the attitude of the Edinburgh mob toward Montrose at the time of his execution.

So far from there being an organic or even a causal connection between the New Learning and the Reformation, the second movement was

essentially a confession of the failure of the first. Mr. Mathieson regards it as now generally admitted that the Reformation was primarily a moral, not an intellectual movement. It is to be viewed, therefore, "as a reaction against the premature liberalism which in Italy had paganized the Church, and in every country had aggravated the corruption of manners by discrediting without replacing the ancient faith." But the reformers did no more than substitute one authority for another, that of the Scripture for that of the church. They recognized, indeed, the right of private judgment, but this right was asserted "not as essential to the Christian life, but as an extraordinary expedient designed to meet a special emergency." And so the ancient religion having been cast out of the Scottish nation and its house swept and garnished, there entered in Knox and Melville, Maxwell, Wedderburn, and Sydserf. It was not until these had done their worst or their best, not until the systems of Knox and of Laud respectively had been tried and failed that the work of the Renaissance could proceed. After the battle of Worcester national feeling in Scotland triumphed over religious strife, in harmony with the change which throughout western Europe was marked by the peace of Westphalia. "The spirit of the Renaissance, which had been temporarily driven back, first by the Reformation and then by the Counter-Reformation, was now to triumph over both; and nations as such, no longer overshadowed by supernatural terrors, were to come forth enjoying and to enjoy, into the broad sunlight of a world older and wider than any Christian creed. Striving to make room within its borders for loyalty and for patriotism as well as for religion, Scottish Presbytery in 1651 was unconsciously adapting itself to these new conditions." This attitude toward the Reformation Mr. Mathieson neatly illustrates by a comparison of the movement with the French Revolution. The reformers, like the French politicians of the later age, were men without training in politics, doctrinaires, servilely attached in the one case to the Bible, in the other to certain abstract ideas. "Whatever may have been the relative merits of the law of Moses and the philosophy of Rousseau, the supporters of both systems were equally inflexible in their efforts to translate theory into the language of fact."

One takes in general from this really valuable book an impression of reflective discrimination and sound judgment. The poise and security at which, by such processes, the author has arrived have permitted him to give free play to a graceful and brilliant style and to a certain demurely trenchant wit. His portraits are remarkable, for example the treatment and contrast of Knox and Maitland, the Hebraist and the humanist (I. 113, 117), the parallel between Maitland and Montrose (II. 36-38, 119), and the sketches of Melville (I. 219) and Spottiswoode (I. 332).

The faces, the dress, the apparatus of the daily life of these and other notable Scots are illustrated in the handsome volume called *Scottish History and Life*. This is specifically the publication (as the archæologists use the word) of the historical loan collection in the Glas-

gow International Exhibition of 1901, and in general a contribution to the *Kulturgeschichte* and archæology of Scotland from prehistoric times to the middle of the last century. The book offers, on the one hand, a series of reproductions, of varying excellence, of the pictures and objects which were brought together for the Glasgow exhibition, and on the other a group of essays by several authors treating the periods illustrated by the collection. It may be said at once that the illustrations of this volume actually illustrate, and that the text is very far from being mere letterpress.

The well-known Holyrood portraits of James III. and Margaret of Denmark have been more successfully reproduced elsewhere, notably in the first volume of Mr. Lang's *History of Scotland*; Oudry's portrait of Mary Stuart has fared even worse. An unusual portrait of Cromwell marked (as has been neatly said of the portraits of George Washington) by an expression of austere sheepishness, will arouse interest, and the same is true of the little woodcut (Fig. 163) after a portrait of Arabella Stuart, full of esprit and individuality. But the gem of the collection is the delicious portrait of Graham of Claverhouse, successfully mezzotinted, which constitutes the best claim of the book to artistic excellence. The reproductions of illuminations which accompany Mr. Neilson's essay on early literary manuscripts are very good. But in the quaint lines inscribed on the Arbuthnot missal *orbem* should be read for *urbem* to give the sense which the context and Mr. Neilson's rendering require.

The literary work of the volume has been entrusted to competent hands. Dr. Joseph Anderson treats of Prehistoric Remains; Professor Medley — a recent acquisition to Scotland — of Medieval History; and Dr. Hay Fleming, naturally enough, of Mary, Queen of Scots, James VI., and King, Kirk, and Covenant. Among the essays grouped under the title Aspects of Scottish Life one notes Mr. Renwick's Scottish Burghal Charters; Sir Herbert Maxwell's Deer Stalking, Fishing, and Falconry; Mr. Kerr's Archery, Golf, and Curling; and Dr. David Murray's Scottish Universities.

The work will be found a useful and agreeable repertorium of Scottish archæology executed on the whole very creditably. Were one disposed to find fault, attention might be called to the quality of the paper, which makes the volume intolerably heavy, and to the wretchedness of some of the full-page plates, notably a very interesting portrait of Flora MacDonald quite spoiled in the reproduction. There is, however, a competent index for which much should be pardoned.

GAILLARD THOMAS LAPSLEY.

A History of Scotland from the Roman Occupation. By ANDREW LANG. Vol. II., 1546–1600. (New York: Dodd, Mead, and Company; Edinburgh and London: William Blackwood and Sons. 1902. Pp. xiv, 575.)

IN a stout volume of upwards of five hundred closely printed pages Mr. Lang deals with something less than a century of Scottish history.

But if the period from the death of Cardinal Beaton to that of James VI. is short in time, it is in character so interesting and so critical as to justify, even in a general history, such fullness of treatment. The ground has been traversed so often that one turns naturally to a new writer's interpretation of the complex of facts and guesses that constitutes the history of the Scottish Reformation rather than to his disposition or readjustment of the material. Mr. Lang resolves the problem into three great factors, namely, the indiscipline and cupidity of the lords; the theocratic ambition of the kirk, convinced of its own infallibility and continuing inspiration; and the *intransigence* of the Stuarts, equally convinced of their divine right to govern absolutely. The lords, whatever their personal iniquities (black enough in all conscience), were as a class aiming at a definite political ideal, the perpetuation of that feudal state which had existed in Scotland throughout the middle ages. The kirk manifestly was striving to set up a theocracy, and the Stuarts a more or less absolute monarchy. The shock and attrition of these incompatible systems are characteristic of medieval rather than of modern history, but there, naturally, the strife of competing creeds and the acute *odium theologicum* characteristic of such a competition were wanting. Here, then, may be found one of the distinctive notes of the Scottish Reformation, a retarded national development overtaken by a grave religious problem.

The part played by the lords is sufficiently repulsive whether it be judged from the point of view of patriotism or of personal loyalty. Mr. Lang thinks that few if any of them were moved, in spite of their copious professions, by considerations of religion or conscience (pp. 377, 402, 525). What they sought was "the right to commit high treason with impunity." On the score of patriotism something might be said for Lethington, a statesman who, however dark his methods, still worked for the reasonable solution promised by the union of the two crowns. But Lethington, as Mr. Lang has shown, was concerned in the murder of Darnley, and what for him was worse, the Queen whom he betrayed had proof "in black and white" of his complicity.

The boundless claims of the kirk are well set forth by Mr. Lang. The minister, according to the Book of Common Order having prayed for "the assistance of God's Holy Spirit," was to preach "as the same shall move his heart" (p. 80). He became "a reed through which the Lord spoke" (p. 475). The impossibility of harmonizing with a monarchical state a church so directed is well illustrated in James's discussion with Mr. Bruce, an Edinburgh preacher, in regard to the King's part in the Gowrie business (p. 470). Bruce professed himself convinced of the King's innocence, but he would not promise to say so in the pulpit except "as I shall find myself to be moved by God's Spirit." It is Becket over again consenting to the Constitutions *salvo ordine suo*. England had long before found a solution for that problem. Mr. Lang returns to this point repeatedly with frequent and apt illustration.

The Stuarts, indeed, for all their faults, were proper subjects for tragedy. Charged with the belated problem of vindicating the royal

power and with the new and terrible religious question, the wisest and most moderate of sovereigns might well have failed. But when the energies of a powerful neighbor were directed to the maintenance of feudal anarchy in Scotland, and when the strong personalities of Mary Stuart and her son, their passions, their convictions, and their consciences were involved, the task became impossible. As Mr. Lang points out, moreover, the two tendencies, which had the future on their side, religious toleration and democracy, were ranged in sharp and fatal opposition. The kirk, which stood for democracy of a certain sort, was by its very nature incapable of tolerating any other form of religion. Mary and James, on the other hand, who were willing to grant some measure of religious toleration, could not, of course, hear anything of democracy.

It may be thought that in this solution of the problem Mr. Lang has omitted or at least neglected (for he mentions it once on p. 425) a fourth and extremely important factor. This is the virtually complete lack of any constitutional machinery by means of which the will of the nation might have made itself felt and such changes as were inevitable might have been accomplished with more regularity and less violence than was actually the case. Although democratic, the kirk represented, of course, only one party. There was no means by which the opposing forces of the nation could peacefully check and modify one another. This omission constitutes a grave fault in the present work, but one that is inevitable because the special studies which would have enabled a general writer like Mr. Lang to give due emphasis to constitutional matters are still wanting.

In the interests of the *causa victa* Mr. Lang has deliberately set before himself the purpose of showing that all the good was not to be found among the "godly" nor all the evil among those of the ancient faith. He believes that "the hardships of the Catholics, after the Reformation, have been rather cavalierly treated by many of our historians," and he has accordingly "dwelt upon a point too much neglected." This is altogether wholesome and desirable, particularly as Mr. Lang is quite ready with his sympathy for the kirk when it falls on the evil days of the seventeenth century. It is refreshing to find a Scot defending Mary of Guise against the often alleged charges of perfidy in her dealings with the reformers in 1558 and 1559. Again, Mr. Lang's treatment of Knox is a very useful corrective to much that has been written of "that notable man of God." His superstition and his political shuffling and bad faith are illustrated from his own writings (pp. 35, 58). The current generalization that Calvinism, owing to its abstract dialectic, had a kind of elective affinity for the Scottish national genius is rejected. Mr. Lang believes, on the contrary, that "Calvinism meant a strenuous economy in thinking" and "that Knox's system really owed its charm to its thriftiness of thought and money — its concrete practical character"; again, "That his gospel and example were ideally excellent, or an unmixed boon to his country few of his countrymen who know Knox and his Reformation at first hand, are likely to contend." Finally, in

an excellent passage on the death of Knox (p. 247) Mr. Lang writes, "he was the greatest force working in the direction of resistance to constituted authority—itself then usually corrupt, but sometimes better than anarchy tempered by political sermons."

This is of a piece with the prevailing tendency of the book to emphasize the seamy side of the Reformation. On the whole, Mr. Lang believes that morally the movement was a failure. Those who take the traditional view of the Reformation, he writes, boast that it raised the moral tone of the country; "to do this was the object of the Presbyterian clergy, but their own manifestoes constantly bear testimony to their failure." To this it might fairly be objected that since the Presbyterian clergy set up a new standard for the conduct of life, the evidence of their manifestoes that the country was not yet conforming to that new standard does not prove that its moral tone had not been raised. This and similar passages (pp. 402, 525) sufficiently illustrate the *Tendenz* of the work, which serves to supplement and correct Professor Hume Brown's second volume.

With regard to Mary Stuart Mr. Lang has already spoken in detail in a separate study. Here he tells the poignant story with spirit and discretion, and his final judgment may be recorded: "On almost every individual fact a fight may be made for the Queen," but "the whole series of events" begins to be conclusive against her. The truth will probably not emerge and men will continue, on Newman's theory of the sum of probabilities, to account Mary guiltless or with Mr. Lang to believe her "blameless but not innocent."

The vexed question of King James's share in the Gowrie mystery may be mentioned in passing, for here, too, Mr. Lang's studies have overflowed into a separate volume. He believes that the affair was no mystery at all, but simply an unsuccessful attempt of the Ruthvens to kidnap the King. But this view has not passed unchallenged.¹

The present volume is on the whole a much better piece of work than its predecessor. For one thing, the authorities on which it rests are more abundant than in the earlier period and require a treatment which Mr. Lang is well fitted to give them. But in addition to the neglect of constitutional considerations already noted, two serious defects should be pointed out. In the first place, the work does not rest on any solid foundation of economic study, the interpretation of events is almost uniformly political or personal. Without wishing *infandum renovare dolorem* or ranging oneself as a disciple of Professor Lamprecht, one may still desire to see a greater importance given to economic considerations than Mr. Lang has judged appropriate. In the second place, one feels that in the largely literary problem of making the tangled and obscure transactions that fill the period of James's minority assume unity and form Mr. Lang has failed of an adequate solution. At times he becomes a mere annalist, and that too in a style that is little

¹ See the *Athenæum*, Nos. 3919, 3921, 3922, 3924, 3925.

short of telegraphic. With this exception Mr. Lang has shown himself more than equal to the literary requirements of his task. Those who habitually thread the jungles of German historical literature will welcome with profound gratitude his delectable humor, his lightness of touch, and his never-failing wit.

GAILLARD THOMAS LAPSLEY.

The Gowrie Conspiracy and its Official Narrative. By SAMUEL COWAN, J.P. (London: Sampson Low, Marston, and Company. 1902. Pp. x, 264.)

MR. COWAN'S arguments are invalidated by his own choice of material and its treatment. Nearly one-half of his book consists of what the author calls "reproductions," but which are really garbled condensations of official documents or secondary narratives. The former, with a few unimportant exceptions, are not printed from the originals in the archives, or from authoritative versions such as are given in Pitcairn's *Criminal Trials*. Mr. Cowan presents, apparently by choice, inaccurate renditions of loose copies.

The first "reproduction" is the "Narrative of James VI."—called by Mr. Cowan in the running head-line of the chapter and on the title-page of the book, "The Official Narrative." The appellation is erroneous and misleading. What Mr. Cowan reproduces is not the King's narrative at all; it is a garbled condensation of Tytler's narrative (Vol. IX. pp. 306-317, ed. 1843) of the events of August 5, based upon the Official Narrative properly so-called, Henderson's deposition, and various documents printed by Pitcairn. Apart from the misrepresentation of the nature of this fundamental document, Mr. Cowan is inaccurate in presentation of fact. One example must suffice for all. Tytler states—a point of capital importance—that Ruthven despatched Andrew Henderson to Gowrie from Falkland "instantly" "on the first check" in the hunting; Mr. Cowan (pp. 11-12) places the sending "during the ride" of James to Perth in Ruthven's company *after* the hunt.

Elsewhere Mr. Cowan reproduces the Sprot-Logan letters, using Tytler's incomplete versions as his basis. In all the letters he varies both from Tytler's and from more authoritative versions, altering the spelling and abbreviations, interpolating and omitting individual words, and changing words and punctuation so as to obscure the meaning. In Letter I. alone, by omitting portions summarized by Tytler, he at one stroke drops eighty-two words, at another forty-three, and at another ten. Now, by the publication of Mr. Lang's article in *Blackwood's* for April, 1902, the discussion of the authenticity of the Sprot-Logan letters entered upon a new phase, one important feature of which concerns orthography. Mr. Cowan asserts flatly (pp. 160, 183) that Mr. Lang's conclusions are erroneous. These reproductions place Mr. Cowan, as editor and critic, upon the horns of a dilemma: he cannot fairly contradict Mr. Lang unless he has scrutinized and compared originals: if he

has scrutinized originals, he has no excuse for reproducing the letters in such mutilated form.

It is from Hill Burton, and not from Calderwood or from the publications of the Bannatyne Club, that Mr. Cowan copies the conferences between James and the Reverend Robert Bruce, whom, although he was neither at Falkland nor at Perth, our author is pleased to dub (p. 148) "an eye-witness of the whole circumstances." One example suffices:

Burton: "'Think ye,' says the king, 'that Mr. David doubted of my report?' David was sent for incontinent."

Cowan: "'Think ye,' says the King, 'that Mr. David doubted my report?' 'No, David was sent from the Continent'" (p. 142).

Our author devotes eighty pages to the reproduction of four narratives read before the Perth Antiquarian Society in 1785. He commends them and accepts their conclusions. They are full of conjectural and provably incorrect statements, but have received no editing and are occasionally cited as primary authorities. In connection with James Logan's account of the Reverend Mr. Cowper's conversation with Gowrie, Mr. Cowan commits his most remarkable blunder. Logan, after repeating Gowrie's remark, as quoted by Cowper, to the effect that a conspirator against a prince "should not confide the secret to anyone," adds appositively "— a prudent remark . . . very consistent with the counterpart of the tragedy in which, so far from adhering to secrecy, he is represented as actually in correspondence until 31st July with Sir Robert Logan" [of Restalrig]. Mr. Cowan argues as follows: "In connection with the Logan Letters it is important to notice the statement (*sic*) made by Coupar in James Logan's paper. We would infer that Coupar was aware of the existence of these forged letters or he would not refer to the correspondence with Robert Logan up to 31st July. Whether Coupar was an accomplice with Sprot in this forgery is another question: all we can say is that his tale as reproduced by James Logan places him in a very compromising position."— This is astounding.

It is difficult to say which should be more severely condemned — Mr. Cowan's choice of material or his method of treatment. He never cites or uses a primary authority where a secondary is available. He produces little or nothing which is new; and it is hardly too much to say that wherever he is original, he is wrong. It is not important to state it — but Mr. Cowan believes in the guilt of the King.

OLIVER H. RICHARDSON.

The Reign of Queen Anne. By JUSTIN MCCARTHY. (New York and London: Harper and Brothers. 1902. Two vols., pp. v, 386; iv, 370.)

THE appearance of a history of the reign of Queen Anne by Justin McCarthy will doubtless waken pleasurable anticipations in various sections of the reading world. A lifetime spent in letters and politics would certainly seem the best of all possible methods of preparation for unraveling the bril-

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liant and tangled web of a reign renowned in both fields, even had the author of the *History of Our Own Times* not given us more definite proof of exceptional qualifications for the performance of a difficult and unusual historical task. Indeed, the qualities discovered in that work—a fluent style, good temper, and fairness, ease of description and narration—might well be regarded as those most necessary for one who proposed to navigate the treacherous deeps and the no less treacherous shallows of a singularly complicated period of bitter political conflict. These are the qualities for which we have been taught to look in Mr. McCarthy's work, and in these volumes they appear in their most pronounced form. Yet they do not carry with them here the same force and value that brought such success to the earlier work. The flowing, often sketchy, style; the kindly and not too critical estimate of friends and colleagues; the statement of political problems as they present themselves to people or to Parliament; the easy description of current events; the wealth of literary allusion, of picturesque phrase and anecdote—all have their place and value. But in a period where policies and characters are still neither clear nor undisputed, where motives and purposes are still so dark and conflicting, despite all the work which has been done, where, indeed, important information is still wanting, these qualities do not go far in clearing up our ignorance of the times, however pleasing they may be to many readers. Here are needed the qualities of a trained historian rather than those of a litterateur—long and painstaking investigation, rigid weighing of highly conflicting testimony, careful, even precise, statement. We find here a pleasing story easily told, a wealth of literary allusion, often diverting the narrative, touches of the picturesque, infinite anecdote, and endless illustration. But we do not find nor expect to find new material, nor much new use of old material. There are no learned citations, the pages do not bristle with foot-notes. In their stead there runs through the text much allusion to Burnet, to Swift, and to lesser lights, and acknowledgement to such books as Morris's *Age of Anne*, Macknight's *Life of Bolingbroke*, Wyon's *History of Great Britain*, Burton's *Reign of Queen Anne*, and Macaulay's *History of England*. A pleasant if somewhat diffuse story of an interesting period, the present work offers nothing either very new or very profound. It lacks the pains of Burton and the well-informed and dignified simplicity of Stanhope. Appealing, as has been said, to the general reader, not to the historical specialist, it will doubtless meet its reward where it most appeals. Yet it would be wrong to deny its value to the historian, for it has one quality which is never without value to him. We have, perhaps, no lamp to guide our feet but the lamp of experience; but even historians are too prone to forget that its beams shine both ways. A long experience in public affairs and familiarity with public business have often enabled men to untangle earlier controversies and illuminate dark passages where other means were wanting or failed. It is a method not without its dangers, yet useful in spite of them, neither to be neglected nor to be relied on too much. Mr. McCarthy has not abused it, and we have, in consequence, much valuable

suggestion in this work, for which, as well as for the interpretation of the present by the past in which he continually indulges, we have to thank him.

The Young Pretender. By CHARLES SANFORD TERRY. (London: Methuen and Company. 1903. Pp. xvi, 222.)

THE author of this charming contribution to the "Little Biographies" series comes to his task fresh from his special studies in the Stuart records. In rapid sequence have recently appeared his *Rising of the '45* (1900); the *Chevalier de St. George* (1901); and the edition of the *Albemarle Papers* (1902). It is not surprising that he has produced a book which will prove a safe and fascinating guide to the lay reader. Each of the six chapters is crammed with facts; yet the mass of details is so marshalled that one's interest in the narrative never flags.

The seventeenth century Stuarts did not escape the traditional *fatalité* of their race; and the "same aloofness from their time and people which wrecked" them "doomed both the Old and Young *Prétendants* to failure." James III. was in his fourteenth year in 1701 when his father died. He was the victim of paternal discipline. In 1696 James II. drew up twenty-six *Rules for the family of our dearest son, the Prince of Wales*. The fourteenth may serve as a sample: "None must be permitted to whisper or run into corners with the Prince, wher the Governor, etc., may not hear and see what they do and say; and he shall receive directions from Us, what children are fitt to play with our son or to go in coach with him." "One discerns already," remarks the author, "the 'Old Mr. Melancholy' of later days in this rigid regulation of his mirthless youth." According to his father's admonition he never forgot his debt to Louis nor "that God and religion are above all earthly interests." James III. "saved his soul alive," but his worldly prospects fed the altar of sacrifice. Like David of Scotland, he "was a 'sair saint' to his phantom crown. He was 'dévot à l'excès,' as De Broses remarked." Indeed, throughout his career he was somber, pious, and inept, but withal amiable, conscientious, and grateful to his benefactors.

Very different from his father in character was Prince Charles, the Young Pretender. In his youth, says the author, he was high-spirited, "rash, and impetuous to a fault"; later a "man broken by despair and irksome inactivity, an *homme sauvage*, addicted to the 'nasty bottle,' ill-treating his mistress, a brute to his wife, and generally his own worst enemy." His character seems a compromise between that of the Merry Monarch, Charles II., and that of Prince Rupert the cavalry leader, tempered by his heritage through his mother, the Princess Clementina Maria Sobieska, granddaughter of the famous John of Poland. To the first twenty-five years of the Prince's life (1720-1745) Mr. Terry devotes his second chapter. The chief interest of his narrative centers, however, in the next two chapters, in which the desperate venture of 1745-1746 is most realistically described. During this period Charles shows himself

almost worthy of the marvelous loyalty and heroic courage of his Highland friends. His cause was forever lost at Culloden; but he left behind him in Scotland a "fragrant and undying memory." Nevertheless, with all his courage and gallantry, at no time does the Prince give the slightest evidence that he is fit to reign or that he has ever weighed the responsibilities of a ruler. Indeed, Charles had not a strong character. He could not with fortitude accept his destiny. His abandonment by Louis "was the death of him morally. Nature had framed him for another Rupert. Charles XII. was his hero. Fate made him a loafer, and he sank incontinent to the lower plane." The history of the last forty-two years of his life (1746-1788) is a shameful record of intrigue, amours, domestic scandal, drunkenness, and base ingratitude, relieved only by the loyalty and devotion of his illegitimate daughter Charlotte. The last two chapters of this excellent book are devoted to this "tragedy"; but it is impossible here to attempt even a brief summary of them. The author has appended a useful bibliographical note.

GEORGE ELLIOTT HOWARD.

Madame de Pompadour. By H. NOEL WILLIAMS. (New York: Charles Scribner's Sons. 1902. Pp. xiv, 431.)

MR. WILLIAMS has published a handsome volume on Madame de Pompadour, embellished by excellent portraits of frail beauties and famous statesmen. As a general rule, the lives of royal mistresses do not deserve commemoration; there is small profit in exploring the scandals of the past. But Madame de Pompadour is an exception to this rule. She was not merely an immoral woman who found favor in the eyes of a king: the list of such, unfortunately, is very long; but for many years she exercised a greater influence on French politics than any other person, man or woman, the King not excepted. If the history of France in the last century is to be written at all, it would be absurd to exclude from it the character and career of Madame de Pompadour.

On the whole, Mr. Williams has done his work well. He tells nothing that is new to students of French history, but his work furnishes the ordinary reader with a fair account of the career of an unusual woman. He has consulted most of the authorities of value, and it must be admitted that he has also consulted some authorities of little value. There are frequent references, for example, to the *Vie Privée de Louis XV.* This is not a chronicle deserving consideration from writers who think that historical works should not be based upon untrustworthy gossip. Mr. Williams may say that many of the readers of this book will like the gossip, and they will not be disturbed because he relates incidents that Freeman would have rejected as unproved.

That many anecdotes with which Mr. Williams enlivens his work have slight foundation in fact may not be very important, but some errors are to be regretted. He has consulted Arneth, and rejects the apocryphal letter which Maria Theresa was supposed to have written to

the favorite, but he repeats the tradition as to the conduct of Frederick II., though this has long been exploded. At page 281 he says that Baron von Knyphausen, the Prussian minister, received express orders from his master to abstain from visiting the favorite, and as authority for the statement he cites Stanhope's *History of England*. Stanhope would not make the assertion if he were now writing. The correspondence of Frederick has been published and fills many printed volumes. Any one willing to take the pains of consulting them will find numerous letters in which the King bids his ministers do all they can to obtain the good-will of Madame de Pompadour. It is strange that this tradition should have been accepted by any one, even before Frederick's letters had been made public; such a belief illustrates the extraordinary facility with which many accept an unlikely story on untrustworthy evidence. Of all the monarchs of his day, Frederick was the one least likely to injure his political prospects in order to show his disapproval of the morality of those with whom he had to deal, nor was there any one in Europe who viewed such matters with more indifference. Indeed, to forbid his representatives' paying their regards to a person possessing Madame de Pompadour's influence would not have manifested any elevated morality in the monarch; he would merely have been making a fool of himself. The most sagacious of European rulers was sure not to commit errors of that sort.

There is no doubt, indeed, that Frederick offended Madame de Pompadour and Louis XV. by the freedom with which he spoke of them in his private conversation. Sagacious as he was, he could not resist the temptation of ridiculing those of whom he had a poor opinion, and he had a poor opinion of everyone.

But Mr. Williams has given a fair account of his heroine and of the times in which she lived. He has made Madame de Pompadour neither better nor worse than she was; he has not exaggerated her influence on French politics nor the evils which flowed from it. He has called attention also to the unusual difficulties she had to meet at the French court, not because she was immoral, but because she was a *bourgeoise*, and, as Broglie truly said, the nobility felt that when the King chose a mistress who was not one of their class, he was infringing on their privileges.

In closing Mr. Williams cites Madame de Pompadour's career as proof that when a woman meddles with public affairs her influence is sure to be mischievous. His conclusion would not be accepted by the advocates of political rights for women, yet, so far as French history is concerned, no one can dispute its general correctness. Madame de Pompadour was the last of a long series of women who took an active part in politics under the old régime. She did most harm because she had most power, but few of her predecessors showed any larger degree of political wisdom.

JAMES BRECK PERKINS.

A History of the American People. By WOODROW WILSON, PH.D., Litt. D., LL.D. In five volumes. (New York and London: Harper and Brothers. 1902. Pp. xxvi, 350; xix, 369; xvi, 348; xv, 343; xii, 338.)

IN his *History of the American People* President Woodrow Wilson of Princeton University has given us a survey of our entire history in the brief compass of about 300,000 words, apparently desiring to do for this country what Green in his single volume did for England; but the latter took something like 100,000 more words for his task. It is easy to see that while Green was more deeply affected by interest in the economic and social life of the people, Wilson's keenest interest is that of a critic of politics, more at home in characterizing political leaders and the trend of events than in dealing with the deeper undercurrents of economic and social change. The work is often brilliant in style; the author has read widely and has aimed rather to fuse the facts of American history into artistic literary form than to make investigative contributions to the facts of our development. His work is that of interpretation.

The first impression which the student will receive is, perhaps, that the narrative, with all its finish, lacks saturation with facts and fails somewhat to produce the effect of reality — or, in the phrase of the art critic, it lacks in “tactile values.” This first impression is not altogether well-founded. In so compressed a treatment much has to be sacrificed to conciseness, and the author's literary fusion of his material presents the essence of many facts in sentences that run so gracefully and buoyantly that the reader easily overlooks the burden which they bear. The difficulty of this achievement is apparent to the student who knows the facts, but the general reader suffers a loss by the very success with which the author has substituted the well-phrased formulæ that express many facts for the more concrete and less artistic materials themselves. This impression of something like tenuity is exaggerated by the ornate and bulky form in which the publishers have presented the work. Green used to call his own history “Little Book.” In this case “Little Book” is stretched by large type, heavy paper, and a profusion of illustrations into five volumes of nearly 350 pages each. The effect is that the stream of narrative too frequently runs like a rivulet between the illustrations. The excellence of most of these pictures must be recognized, although the process of artistically redrawing old prints and portraits is objectionable to the critic who is sensitive in the matter of the inviolability of sources; but even when the pictures are above reproach in this respect, and when they are appropriately placed, they continually distract attention from the narrative. The frequent irrelevancy of the illustrations is also to be regretted. Why Alexander Stephens should look out from the narrative of Jackson's war on the bank; why Cyrus McCormick should intrude in a discussion of the independent treasury; while Whittier's gentle smile plays above the story of McCormick's invention of the reaper; and why many similar incongruities exist could doubtless be

answered by the expert in the composing-room. But these are difficulties that future editions can modify, and it is to be hoped that a single-volume edition will sometime allow the readers to see the work in its most effective form.

In the matter of general perspective and proportion President Wilson has shown good judgment. He has skilfully and pleasingly woven together the difficult and isolated pieces of seventeenth century colonial history in a single volume. To the eighteenth century and the Revolution another volume is given. Here one finds a lack of attention to the important facts of economic and political significance that were so powerful in shaping the sections during that period, in preparing the way for American political parties and institutions, in shaping the conditions that affected the Revolution, and in creating the forces that expressed themselves in American expansion. But this is the period that has suffered at the hands of all of our historians. The French and Indian wars and the Revolution itself are so picturesque that they obscure the other facts of this important era of Americanization. A third volume carries the narrative from the treaty of peace to the election of Jackson,—by grace of over-heroic compression. In the fourth, President Wilson reaches the period with which he had before skilfully dealt in his little text-book, *Division and Reunion*, and carries the history on to the close of the Civil War. The fifth volume spans the years between Reconstruction and the close of the Spanish War. Whatever criticisms may be offered, it is impossible to find in similar compass or by another single author so sustained and vital a view of the whole first cycle of American history that rounded itself out with the nation's completion of the conquest of the west, and its step overseas into colonial empire.

Aside from matters of judgment the author has not fallen into more errors of fact than are common to first editions. The statements (III. 242) that the minimum provision of the tariff of 1816 applied to woolens as well as to cottons; that Jackson's declaration of opposition to the bank was made in his inaugural address (IV. 19, 43); that George Rogers Clark consulted Madison (Mason), and that he marched across the frozen *forests* from Kaskaskia (II. 293, 296) are typical of some actual errors. It is certainly a mistake to say that there is no doubt that Texas was a part of the Louisiana purchase, as recent students of Spanish claims to the region have shown. Willing's force did no such execution as the author credits it with on the lower Mississippi in the Revolution (II. 297). One doubts the accuracy of attributing pioneer settlement to Kentucky as early as 1730 (II. 61), and that Englishmen were building huts beyond the Alleghanies "as men who mean to stay," before the close of the seventeenth century (II. 9). The references to Cumberland Gap in connection with the national road, and the photograph of Cumberland Gap near Wheeling (III. 202, 241) will certainly confuse the reader in locating the celebrated gateway of the pioneers to Kentucky. Not all the members of Monroe's cabinet were shocked at Jackson's exploits in Florida (III. 258). Monroe's attitude toward internal improvements at

national expense is inaccurately stated (III. 260). The select bibliographies that follow the various chapters are generally well chosen, but some striking omissions occur, such as the failure to cite McCrady's *South Carolina*, and the omission of Parkman's works in the references on the French wars. The student will be puzzled to know why the appendix containing the treaty of 1783, the Ordinance of 1787, the Constitution, and the Virginia and Kentucky Resolutions is taken *by permission* from Preston's *Documents*!

Perhaps the most significant thesis of President Wilson (himself of Southern antecedents), is that in insisting on the doctrine of state sovereignty the South, "unaltered from of old," adhered to the Union as it was in "that first generation whose life and thought she kept." "There had been," he says, "no amendment of the fundamental law. Could the law change because men's thoughts had changed and their interests?" Mr. Wilson admits that in her reaction the South "stiffened the old doctrines and exaggerated them," but this is a very important admission, which goes far toward vitiating the underlying idea of his theory. In fact the South had changed profoundly. Cotton had revived the decaying institution of slavery, carried it over the old farming area of the Piedmont, and lodged it among the new commonwealths of the Gulf, where it finally bred a more drastic and aggressive spirit of sectionalism. The idea of divided sovereignty and the idea of the beneficence of revolution prevalent in the period of the Revolutionary War help explain the conditions at the origin of the Constitution, but the presidencies of Virginians like Jefferson, Madison, and Monroe, and the decisions of the Virginian Chief Justice Marshall had erected strong barriers against disintegrating tendencies. Nor had the South as a section adhered to the Virginia and Kentucky doctrines (confessedly less rigorous than Calhoun's later exposition of them) in the day of their promulgation. Moreover Madison and Jefferson had given interpretations of these doctrines quite at variance with the theory of Calhoun, and Calhoun himself at the close of the War of 1812 was a nationalist. It would be more correct to say that the generation of 1787 framed a Constitution sufficiently elastic to adjust itself to growth, and sufficiently indefinite as to sovereignty to permit dispute, and that the South, after its economic and social transformations, followed Calhoun in an interpretation of the Union that was at least as novel as the doctrines defended by Webster and assented to not only by the North, but even, in the days of South Carolina's nullification, by the new southern states on the Gulf.

President Wilson is by no means a partizan, however, and he has the advantage that he is the first Southern scholar of adequate training and power who has dealt with American history as a whole in a continental spirit. Northern writers have hardly hitherto given a thoroughly appreciative, not to say sympathetic, presentation of the slaveholding region in our history. President Wilson, born and reared in the south, educated at Princeton, the University of Virginia, and Johns Hopkins, and disciplined by professorships in Pennsylvania and Connecticut, as well

as at Princeton, has acquired a catholicity of view that is certainly worthy of mention. Although one gathers the author's friendliness for Mr. Cleveland's type of Democracy in his last volume, even here he is moderate and careful in his judgments.

FREDERICK J. TURNER.

A History of the United States. By CHARLES KENDALL ADAMS and WILLIAM P. TRENT. (Boston: Allyn and Bacon. 1903. Pp. xxiii, 590.)

THE last literary work of the late President Adams was a school history of the United States. In this undertaking he was associated with Professor Trent of Columbia University. The book has been five years in the making, and the manuscript was finished and about half the proof corrected at the time of President Adams's death. Three principal objects in writing it are set forth in the preface:

"First, to present fully and with fairness the Southern point of view in the great controversies that long threatened to divide the Union. Second, to treat the Revolutionary war, and the causes that led to it, impartially and with more regard for British contentions than has been usual among American writers. Third, to emphasize the importance of the West in the growth and development of the United States."

The growth and influence of the West are as fully and adequately treated as space would admit. The point of view of the South may be said to be partially stated, and the text is supplemented by references to Southern books, which, however, are not likely to be called into requisition. But it can scarcely be said that the British point of view during the Revolution has been stated at all. Barring a single paragraph on the theory of representation, the treatment of the American Revolution is the traditional one. The reference to the Navigation Laws is inaccurate and inadequate. The King is held to have been alone responsible for the loss of the American colonies. It is not explained that the proceeds of the stamp tax were to be expended in the colonies and were not expected to meet more than a third of the expense of the colonial establishment. There is no comment upon the revolutionary character of the "tea-party." The account of the Transportation Act confuses different things and perpetuates an old misconception. It should be stated that the only persons to be removed for trial were those accused of crime on account of acts performed in the discharge of their official duty, a provision not materially different from the one in the statutes of the United States, which was enforced in the Neagle case. It cannot therefore be said that the special purposes of the book have been wholly attained.

The text is intended to meet the requirements of the high-school course suggested by the Committee of Seven and already very widely adopted. What may best be done in this course is still a matter of experiment. The present book follows closely the lines of the grade texts. The colonies are treated briefly and the campaigns of the Revolution and

the Rebellion very fully. We should prefer a different distribution of matter, upon the ground that the war story is the part of the work that may best be done in the grammar grades. The mode of treatment is to give a continuous narrative in the text, and a series of condensed biographies in the foot-notes. This expedient economizes space and preserves the continuity of the story. The style is clear and the paragraphs short, so that the book is likely to prove eminently usable in recitation.

In covering so large a field, it is inevitable that some errors should occur. Waldseemüller did not propose to name the West Indies after Columbus. It is well settled that Coronado did not penetrate as far north as the Nebraska boundary. Raleigh was the half-brother instead of the brother-in-law of Gilbert. La Salle did not ascend the Mississippi River to the Falls of St. Anthony. It has been shown that the Charleston tea did not spoil in damp cellars but was subsequently sold for the benefit of the revolutionary cause. The treaty of Paris provided for the northern boundary of the United States, though difficulties in its application afterward arose. The charge that British intrigues before the War of 1812 stirred the Western Indians to revolt is unsupported by evidence. The treaty of 1819 ceded West as well as East Florida. It can scarcely be said that "incipient efforts to divide the nation were crushed under Jackson," since the issue was compromised. The John Brown murders occurred on Pottawattomie Creek. West Virginia was not admitted until June 19, 1863. An account of the nominating conventions of 1864 is inadvertently omitted. "Potomac" for James in the account of the Peninsula campaign, "twenty-five" for fifty-five in the statement of the height of the Washington Monument, and "Garland" for Gorham in the references are misprints, and there are a few others that are more evident. Most of the errors are of slight importance and may be easily corrected in a new edition.

The portraits used to illustrate the text have been carefully selected and are admirably reproduced, making the best collection that has appeared in a book of the kind. It would have been worth while to indicate their date and source. There is a large number of maps but they contain the errors common to maps in the school histories. A curious example of these errors may be found in the location of Vincennes. Some initial map placed it south of the White River, and nearly all the school histories, including the present one, repeat the mistake. A map illustrating the Compromise of 1850, apparently based upon one in McMaster's school history, omits a necessary explanation which McMaster gives. It is also incorrect, in that it represents that territory not within the limits of Utah and New Mexico was opened to slavery by this compromise. A map illustrating the Kansas-Nebraska Act incorrectly represents both the northern and southern boundaries of Kansas Territory. A map of the United States in 1861, also apparently based upon McMaster, represents the Sierra Nevada as the western boundary of Nevada Territory, and the Owyhee as part of the eastern boundary of Oregon, two boundaries that never existed, though they may possibly have been

represented on contemporary maps. The act organizing Nevada Territory provided that the western boundary should follow the mountains in case California should consent, but California never consented. When the attention of a well-known author was called not long ago to the inaccuracy of the maps in one of his books, he replied that he had nothing to do with the maps and that the publishers alone were responsible for them. Whether it is the publishers who are responsible for the maps in the school histories does not appear.

F. H. HODDER.

A History of American Political Theories. By CHARLES EDWARD MERRIAM, Ph.D. (New York: The Macmillan Company; London: Macmillan and Company. 1903. Pp. xv, 364.)

DR. MERRIAM is already known to those interested in the history of political theories by his doctoral dissertation, *A History of the Theory of Sovereignty since Rousseau*, and by magazine articles dealing respectively with the political views of Jefferson, Calhoun, and Paine. In the present work he has essayed to trace the course of political speculations in this country from early colonial times to the present day. He has given us, however, a sketch rather than a comprehensive history; indeed, to have done more within the limited number of pages occupied would have been impossible. Judged, then, from this standpoint, the work is excellent, and our criticisms of it will be found to be almost wholly based upon acts of omission and not upon those of commission. The language is clear and concise, though there are a number of unnecessary repetitions, the arrangement is logical, continuity in the various lines of development is sufficiently shown, and, most important of all, the direct relation of the theories to contemporaneous objective political conditions is made manifest.

The work begins with a chapter entitled "The Political Theory of the Colonial Period." This broad title, however, is hardly justified, for except for four pages given to the Quakers and an equal number to an account of the rise of democratic sentiments among the colonists, the discussion is limited to the political theories of the New England Puritans. A bare reference to the aristocratic utterances of Governor Spotswood of Virginia is all that is furnished us regarding the characteristic views of the Southern colonists. Furthermore, we are given no account of the political theories involved in the discussions as to the extent to which and the manner in which the English common law became a part of the private law of the colonies. In the account of the political theories of the Revolutionary period, which is the topic next taken up, an excellent exposition of the then current principles of natural laws and constitutional rights is presented, the gradual emphasizing of the former at the expense of the latter being well brought out. The theories of the Loyalists are, however, hardly adequately treated, Boucher being the only writer of that party who is even mentioned by name. Dr. Merriam cor-

rectly says that the Americans derived very little of their political thought from the French, and that Locke was their great authority. The influence of such continental writers as Grotius, Pufendorf, Burlamaqui, and Beccaria should, however, have been mentioned. John Wise's *A Vindication of the Government of New England Churches* should have been given the date 1717 instead of 1772. The third chapter bears the title "The Reactionary Movement," and outlines the views expressed in the Federal Convention, the *Federalist*, and the writings of John Adams and Alexander Hamilton. With independence an accomplished fact and political reconstruction the task of the time, doctrines of natural rights of course gave way to debates upon constitutional principles. To term this change reactionary would seem therefore hardly accurate. From a discussion of the Jeffersonian Democracy, to which the next chapter is devoted, a leap is made to an analysis of the dominant ideas of the Jacksonian era. The material here employed is almost exclusively the political practice and public utterances of the statesmen of the time. In concluding this chapter, Dr. Merriam very properly calls attention to the fact that despite the marked democratic advances in political practice since the time of Jefferson, there had been little change in political theories. The Jacksonian Democrats but put into force the ideas that the Jeffersonians had developed but had not attempted to realize. In Chapter VI. we have an admirably clear exposition of the political, or rather ethico-political, theories of the slavery controversy. The various theories that have been advanced since the beginning of our present government to support the divergent views regarding its nature are next taken up. Here again, we have a clear exposition, but one that is strangely incomplete. Brownson and Hurd are referred to once or twice, but no attempt is made to give an adequate statement of their theories. Mulford's *The Nation*, which in its day exercised a very considerable influence in exalting the idea of a national state as the highest political product of men, and as such entitled to their chiefest allegiance, receives but bare mention. Lieber's influence in the same direction, though noted, is not sufficiently emphasized. The constitutional writings of Bateman, Baldwin, and Duer, though enumerated in the list of authorities given at the end of the book, receive no consideration. Even Pomeroy is ignored. Professor Burgess's scientific analysis of the nature of the so-called federal state receives deserved mention. In the last two chapters, entitled respectively "Recent Tendencies" and "Conclusions," together aggregating only forty-four pages, we have a running comment upon political theories and political writings since the Civil War that is necessarily brief in the extreme.

As we have already said, it is to the author's credit that in his account of political theories he has not limited himself to an examination of formal political writings, but has sought his information from political practice as well. One most important source of information, however, he has almost wholly neglected. We refer to the opinions of the Federal Supreme Court. The reported arguments of the judges of this tribunal,

especially in the earlier decisions, are a mine of information not simply upon technical points of constitutional jurisprudence, but upon current political theories in general. Starting without a body of precedents to guide them, the eminent justices of this court were forced to go back to fundamental principles of political right for a solution of such questions as the nature of law, of sovereignty, of natural rights, of written constitutions, of citizenship, of international rights and responsibilities, of the distinction between executive, legislative, and judicial powers, and, finally, of the nature of the Union itself. Chief Justice Marshall in particular, as we well know, based all of his great decisions upon general political reasoning rather than upon legal precedents. The only reference made by Dr. Merriam to this great body of judicial opinion is the statement that it was permeated with the idea of a division of sovereign powers between the states and the Union.

Summing up, then, our opinion of the work, we repeat that its briefness, necessitating as it has omissions and inadequacies of treatment, is its one defect. What Dr. Merriam has given us is excellent, and leads us to express the hope that we are to continue to receive from him contributions in this field of political philosophy, which he has apparently selected for special study.

W. W. WILLOUGHBY.

A History of Agriculture and Prices in England. By JAMES E. THOROLD ROGERS. Vol. VII., 1703-1793. Edited by Arthur G. L. Rogers. (New York: Henry Frowde; Oxford: The Clarendon Press. 1902. Two parts, pp. xv, 599; xv, 600-966.)

THE first two volumes of the *History of Agriculture and Prices* appeared in 1866. Sixteen years were occupied in the preparation of Volumes III. and IV., covering a large part of the crucial period in the history of prices (1401-1582). In his preface of 1882 Thorold Rogers declared that the portion of his work which remained was "on the whole, the clearest and easiest." Some justification for this optimistic view was afforded by the relatively speedy appearance, five years later, of Volumes V. and VI., one of the twin volumes, according to Rogers's usual practice, giving the statistical results and the commentary, while the other presented in serried columns the classified price entries which formed the basis of the work. This publication of 1887 brought the inquiry down to 1702, and there remained but the eighteenth century to investigate before reaching the self-appointed end of his labors. A considerable amount of material for this final section had been collected and tabulated before his death in 1890, enough at any rate to warrant the delegates of the Clarendon Press in requesting Thorold Rogers's son to complete the work. After repeated announcements and delays, the long-expected book has appeared, as Volume VII., Parts I. and II., "edited with sundry additions" by Arthur G. L. Rogers.

If this, as announced, is to be the concluding volume, it may as well be said at once that it disappoints our expectation. Thorold Rogers's history, with all its faults — and it has many —, is at least no lifeless mass of figures. Rogers is doubtless, as his critics declare, often ill-informed, narrow, arrogant. His own judgment on Arthur Young may with perhaps equal justice be applied to himself. Arthur Young, he tells us, "was a most careful and diligent collector of facts. His numbers may always be relied upon, his averages are exact, and his facts are copious. But he was, despite these powers of observation, an exceedingly bad reasoner, and his economical inferences are perfectly worthless." We may indeed go farther. Investigation shows that Rogers's averages are not always trustworthy, but in every case should be carefully tested before becoming the basis for such cautious and limited inductions as are alone permissible from historical statistics. But all reservations made, his work, like Arthur Young's, has vitality; it is the expression of a vigorous personality. Though doubtless at some distant day a new history of prices in England must be written with a broader documentary foundation and a wider outlook, Rogers's history will long stand as a monument of patient and fruitful industry and as a memorial of an interesting phase of the post-Mill reaction in English economics. The completion of such a work, at once so authoritative and so personal in its tone, which should aim to preserve some continuity in method and in style, would be a task from which even filial piety might shrink, but once undertaken something more might well have been made of it than the rather unhappily ordered collection of material now brought to our view. There is, indeed, a hint in the preface that the editor has entertained "the ultimate object of writing some commentary on the figures," but the present volume lacks all commentary, and at the same time is definitely announced as the conclusion of the *History of Agriculture and Prices*.

Volume VII. contains, in fact, nothing but price entries and a few illustrative documents of unequal value. To the material left by his father the editor has added entries gathered mainly from a series of accounts preserved at Brandsby Hall, together with some figures from the Castle Howard papers, both from Yorkshire. Some of these figures are incorporated in the tabulations which fill the bulk of Part I., but in no inconsiderable number they are relegated to the addenda. Further agricultural price entries may be found in the Holkham Farm Accounts, which fill 68 pages of Part II. The student will also find in Part II. a convenient summary of the statements as to wages scattered through Arthur Young's *Tours*, and wage-lists of about 1707 and 1727 extracted from Mortimer and Laurence, but he may wonder why, if such summaries and reprints were to be undertaken, the printed sources for the eighteenth century should not have been much more thoroughly examined for the information as to wages and prices there to be found. A West Riding wages assessment for 1703, here printed from the Wakefield quarter-sessions records, will find its use among the growing number of such assessments, but the utility cannot be highly rated of the 235 pages

of daily quotations of South Sea stock, Bank stock, East India stock, and Consolidated Three-Per-Cents that fill the second half of Part II.

Even if the editor had felt himself unequal to the task of interpreting his material on the same scale as in the previous volumes, with their background of economic and political history, yet a few tables of decennial averages and a brief presentation of the facts now buried in the 940 pages of figures would have been serviceable. It might, perhaps, be urged that the toil of extracting the desired information would be a salutary deterrent from the uncritical use hitherto often made of Rogers's averages. Historical statistics, it is true, are peculiarly liable to misuse, but provided adequate warning is given there can be no valid reason for failing to make the raw material as available as possible. Whatever the cause for neglecting or indefinitely deferring the publication of averages, the compiler makes no apology for the present omission. Indeed, he once casually remarks, in connection with an interesting series of Yorkshire meat prices, that "the student can easily construct tables for himself." But the student who for himself must painfully construct from the scattered price-lists a series of averages will likely enough feel some resentment at what he may consider a shirking of the editor's obvious duty. Still, eighteenth-century prices, with or without editorial elaboration, are not so common that he can afford to be over-querulous. Though his gratitude must have its reserves, he will be duly mindful of his obligation both to Mr. Arthur Rogers and to the delegates of the Clarendon Press.

EDWIN F. GAY.

Historic Highways of America. By ARCHER BUTLER HULBERT. Vol. III., Washington's Road; Vol. IV., Braddock's Road. (Cleveland: The Arthur H. Clark Company. 1903. Pp. 214; 213.)

FOLLOWING a chronological rather than a geographical plan, the third and fourth volumes of Mr. Hulbert's *Historic Highways* cover the earlier period of the French-English contest for the possession of the Mississippi Valley. The campaigns to the northward are omitted, the volumes consequently falling into the expedition of Washington in 1754 and that of Braddock the following year. The routes followed by these armies across the Alleghanies led from the same rendezvous, Fort Cumberland, and had the same terminus in view, the forks of the Ohio. They coincided to a certain extent. Yet the different circumstances attending the cutting of the two ways over the mountains, no less than the varying degree of thoroughness in construction, caused the author to devote two volumes to the one route.

The theme of each book is sufficiently indicated by its title. *Washington's Road* describes the conditions about the head-waters of the Ohio which caused his mission to the French and his subsequent expedition toward that region, ending in the surrender at Fort Necessity. *Braddock's Road* describes the gathering of the forces under that general, the

hardships of crossing the mountains, and the unfortunate battle at the Monongahela.

As in the prior volumes, the general effect is that of a most entertaining series. The charm of the style is evident. But there is always the feeling of having been lured from historic highways into attractive by-paths. The volume on Washington's road contains, for instance, a well-written eulogy upon Washington as the "father of the Central West," and another upon the Indian hunting-grounds in the Ohio valley — each quite remotely pertinent to the subject. The concluding chapter is upon the Cumberland road, the grandchild of the Washington road, and the subject of one of the later volumes.

In the second volume the reader comes suddenly upon these anachronous lines at the opening of Chapter III.: "Several months ago we received from that indefatigable deliver in the early annals of our country, Jared Sparks, Esq., of Salem, Massachusetts," etc. The hopes thus raised of restored communication with the great editor and emendator are dashed by the later discovery of a foot-note deducted from the chapter-heading to the effect that this chapter is taken from Craig's *Olden Times*, a well-known work. This is perhaps the latest plan of speedy and economic book-making. Two other "relative papers," the one a journal kept on the Braddock expedition, from which presumably the Morris journal was expanded, and the other certain extracts from printed letters of one of Braddock's officers, aid materially in this aspect of the work.

At the risk of the charge of petty faultfinding, it may be said that modern Canadian authorities will scarcely sustain the statement that La Chine was so named because the French believed that the St. Lawrence River led to China. They agree rather that the term originated in derision of La Salle's efforts. It is true that the provision for making portages between navigable waters common highways was placed in the Ordinance of 1787; but it was the reenactment of a resolution passed by Congress more than a year previously. On page 77 of Volume III. Watertown should no doubt be Waterford.

In these volumes, as in the earlier ones, the author is most interesting when he doffs the sophomoric gown and puts on the rough garb of the explorer. His search for the exact outlines of Fort Necessity, and his tramp along the grass-covered outline of the deserted Braddock road are fully as attractive as his inflorescent flights of fancy, and they are much more nearly contributions to historic knowledge. Here would seem to lie the proper field for investigations of historic highways rather than in a discussion of Braddock's responsibility for his defeat or in the ethics of the slaying of Jumonville.

It is scarcely fair to make a comparison between these volumes and Winsor's *Westward Movement*, the work which seems most akin to them. They are intended to attract the general reader, while Winsor designs to give information. They are confined to highways of Pennsylvania and Ohio. Winsor, in his exhaustive and scholarly manner, covers the con-

tinent. The Harvard expert in cartography never turns aside from the tracing of a route to lament in many pages that George Washington is gradually becoming lost to the American imagination except where he is preserved as the general or the president. But it is equally true that the series on *Historic Highways* will attract readers to whom Winsor would be intolerable. Such a comparison is not at all disparaging to the later writer and seems the best way of getting at the exact value of the volumes under consideration.

EDWIN ERLE SPARKS.

The True History of the American Revolution. By SYDNEY GEORGE FISHER. (Philadelphia and London: J. B. Lippincott Company. 1902. Pp. 437.)

MR. FISHER yielded to a strange perversity in selecting a title for his book. He offends all the previous writers upon the subject by calling his book the *True History*, implying that all previous histories have been false. He then opens his preface by declaring himself outside the pale of the community of historians, for he does not agree with "the historians"; indeed, he pledges himself not to agree. Yet he is an honorable man, and has been burrowing amid the dust of pamphlets, where he has found some startling revelations. He puts his reader in a fever of expectation by announcing in a stage-whisper that he is about to tell him a terrible secret about the American Revolution. Yet the truest thing that can be said about this book is that it does not quite come up to the sounding phrases of the manifesto.

The work is not in the first place a history of the American Revolution, but a series of special arguments to prove certain facts about the Revolution upon which the best historians and teachers of history have been agreed for twenty years. No man who had read Channing's *United States of America, 1765-1865*, or the same author's *Student's History of the United States*, or Lecky's account of the American Revolution, or Winsor's sixth volume, or Lincoln's *Revolutionary Movement in Pennsylvania*, or Tyler's *Literary History of the American Revolution*—no man could have read these and numerous recent monographs, and then seriously have written this book. The most charitable thing one can say of Mr. Fisher is that he does not know of these works. He is talking throughout his book of the false views of historians, when he can have none in mind but the obsolete works which few now read.

Wherever Mr. Fisher does depart from the now generally accepted theories it is on some minor point, and consists of a reckless guess as to a motive, as (p. 111) in discussing the tea controversy he declares that Adams and his people "did not want the tea to be stored and rot because they were planning an outbreak, a truly Boston and Massachusetts outbreak which should be self restrained, and yet sufficiently violent to force both English and Americans to an open contest." Again (p. 151), he says that the American people wouldn't pay any attention to Rousseau

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because he was "an immoral, eccentric and violent man." Mr. Fisher has forgotten that these adjectives apply with singular fitness to Paine, and his pamphlets were read by the hundred thousand. In the chapter on the "Rights of Man" he quotes Burlamaqui's *Principles of Natural Law* and talks as if the colonists read Burlamaqui as they read Tom Paine, assuming that they took his principles one by one, were pleased with them, and adopted them in their own political arguments. Of course the number of such readers was very limited. On page 142 he even bursts into rhapsody, declaring that the colonists' "imagination seized on it [Burlamaqui's book] with the indomitable energy and passion which the climate inspired. . . ."

Mr. Fisher's weakness seems to lie in the lack of the training of the very historians whom he affects to despise. He not only does not know what has been done in history, but he does not use the historical method of work, nor make a proper critical estimate of the value of the books upon which he depends. Using at times the greatest care to support his statements, he introduces at other points a reckless daring in generalization. Again, he substantiates a statement by quoting from fugitive pamphlets, whose value depends upon the accuracy of their references to such realities as laws and customs; but for Mr. Fisher the value of the pamphlets consists in the fact of their existence, and he never has consulted the cited law to learn whether it ever existed or had the purport ascribed to it. Taking the facts as he presents them, the author thinks clearly and forcefully. If his work were authoritative, it would be a contribution because of the unusual emphasis which he has put on certain points in Revolutionary history. Of 402 pages, 300 are used to get the Declaration of Independence made, 40 pages carry us from Saratoga to Yorktown. The book is dangerous for the general reader — who is not, however, likely to get far enough into it to suffer harm — and does not satisfy the specialist, because of the constant doubt as to whether the writer has gone, except capriciously, to the ultimate sources.

It is of interest to note how Mr. Fisher comes to conclusions of a startling nature, because he has left out the principal factor that determined these results. In pointing out the long periods between battles, and the delays by the British government (p. 259) he remarks, "England would not in modern times allow such a long interval to elapse in the suppression of rebellion." No, she would act as much more rapidly as steam-power is more swift than sails. A like omission of the chief logical factor is in the discussion of the relative amount of self-government in Massachusetts (p. 120).

The ostentatious attacks on the opinions of "the historians" are the greatest blemishes of the book. The general public does not care what errors the previous historians have made, and the special student knows — in this case — that "the historians" are only men of straw. The author is obliged often to go back to historians whose work was long ago cast aside, if he is to have any one in mind when he says "the historians." So he must have done when (p. 111) he wrote, "The

common statements in some of our histories that Governor Hutchinson was the vacillating and cowardly agent of tyranny, are utterly without foundation." A like state of mind must have induced the statement about the historians who "jump at the conclusion that Jefferson stole his ideas from the Virginia Bill of Rights or the Mecklenburg Resolutions" (p. 150). Again, he openly accuses historians "of placing certain facts in the background, because they did not show sufficient tyranny or oppression on the part of England" (p. 96). Sometimes he attacks "the historian" and the good sense of his reader at the same time, as in the discussion of the documents and addresses wherein the colonists declare their "Heartfelt loyalty." "Those fulsome expressions," says the author, "deceived no one at that time, and why should they be used to deceive the guileless modern reader?" Such statements were "merely the nets and mattresses stretched below the acrobat in case he should fall" (p. 92). By such assertions he attempts to prove the point that the colonists were consciously seeking independence from the first, whereas there is nothing to show that any but a very few of the colonists were early scheming for independence. Mr. Fisher's interpretation of Howe's conduct has often been advanced as an explanation of his course, but the author has simply seized upon this, ignoring all else, and has made it the thread of his account. The argument is not effectively presented to the reason, but is made impressive by continual harping upon it. The best support of the theory is given on pp. 303-304. There seems to be little doubt that Howe's Whig politics did soften his campaigning.

In addition to these faults in his method of work, and the mechanical management of his story, Mr. Fisher's style is very unfortunate for a writer of history. He has a sneering, insincere way of handling an argument, which creates a lack of confidence in the worth of his conclusions. He has made himself the Thersites of the American Revolution, jeering and ridiculing most of the reverend characters and solemn events of that struggle. He flouts Boston in his account of the tea-party: "The vast crowd was perfectly silent, a most respectful Boston silence" (p. 112); and because the "good order" was boasted of by the patriots, the author sneers, "it was so neat, gentle, pretty, and comical, that to this day it can be described in school-books" without the children's seeing that it was a riotous breach of the peace. Again, he becomes actually silly in his efforts to divest the Revolutionary army of a hypothetical fine appearance which some unknown author has ascribed to it. It is pleasant to think, says Mr. Fisher, "that each hero put on his beautiful buff and blue uniform, brought to him presumably by a fairy, or found growing on a tree, and marched with a few picturesque hardships, to glorious victory" (p. 261). The narrative is constantly interrupted by jaunty suggestions and interpolations of the author, together with detached information and stories, good in a book of anecdotes, but having no logical place in his history. To this poor literary taste he adds bad historical taste in his fondness for fanciful historical

pictures, as, in describing the meeting of the first Continental Congress, he pictures the members "burying themselves in Grotius, Puffendorf, Burlamaqui, and Locke" (p. 184), because these works were accessible to them in the Philadelphia library.

In spite of all these faults, one cannot feel, however, that the book is not worth while. The conservative, careful student can get many good suggestions among Mr. Fisher's special interests. He has a legal rather than a historical mind, and where he is treating legal matter he is at his best. The book cannot be wholly ignored by students of the Revolution.

C. H. VAN TYNE.

The Loyalists in the American Revolution. By CLAUDE HALSTEAD VAN TYNE. (New York: The Macmillan Company. 1902. Pp. ix, 360.)

It is now nearly eight years since the late Moses Coit Tyler called attention by a striking article in the first number of the *AMERICAN HISTORICAL REVIEW* to the need of dealing more fully and especially more fairly with the Loyalism of the American Revolution. The influence of his advice and of his own work has since become evident in various ways; it is to be assumed that it has had something to do with two recent noteworthy additions to our literature in this field — the present study and Professor Flick's earlier one, *Loyalism in New York*. The latter valuable dissertation is territorially of limited scope, and Mr. Van Tyne's work is much more ambitious; the present reviewer must frankly declare his belief that it would have been better if he also had been content with a part of the subject. That the book cannot be called a satisfactory history of the Loyalists, however, by no means implies a general condemnation; it may well be that the time has not yet come for a general treatment. The present book is indeed a promising one, very clearly the work of one who can do much better work. Its tone is admirably objective, and, so far as it goes, it is for the most part unimpeachable both in material and in method. It adds perceptibly to our information and deals with some phases of the subject in a very adequate manner. It is defective chiefly because it attempts too much, because the author does not seem fully to have counted the cost of such a large undertaking, or has not been able to give it the necessary effort either in research or in construction. We have here no comprehensive, adequately based and organized history of this great feature of the Revolution; rather, we have a loosely arranged group of essays, in texture often rather chatty, without adequate framework, not showing full grasp of the material nor effective synthetic power.

This censure is based in considerable degree upon the almost entire absence of background in the work. It plunges into the Revolutionary scene without any effort to deal with the bases of Loyalism or to trace the beginnings of the later divisions in the history of the years immedi-

ately preceding. What can be regarded as essential here will be made clearer by considering the fairly successful attempt of Professor Flick in his first chapter to present the pre-Revolutionary development of factors and tendencies—social, religious, political, industrial—that lie at the root of the later conflict in New York. Connected with this is the inadequacy of Mr. Van Tyne's analysis of the Loyalist party at the beginning of the revolt; even when supplemented by later brief passages, we feel that the problem has not really been grappled with. It is doubtless true that "The motives and combinations of motives, the characters and phases of character might be multiplied indefinitely," but it is the business of the historian to deal with the general aspects that enable us roughly to classify individuals and make us in some degree independent of the personal equation. A part of this problem is surely an effort to distinguish between Loyalism in different sections of the country; but no clear distinctions of this kind are made, either with regard to early aspects or to later developments. Most of the general assertions of the writer are made indiscriminately; his pages seem to take no account of the fact that he is dealing with thirteen very distinct communities ranging through a wide territorial area and fundamentally diverse in various ways.

I have said that Mr. Van Tyne does not show an adequate grasp of the material. It will be found on examining his citations that his general statements seem based upon material less in amount and not much more generally representative than that used by Flick in his examination of New York Loyalism. He makes little use of the Loyalist literature and depends for his journalistic material almost solely on *Rivington's Gazette*. There are two references to the *Pennsylvania Evening Post*, one to the *Newport Gazette*, and one to Almon's *Remembrancer*. Rivington's journal is doubtless a most valuable source; but it should be noted that Flick describes it as one of three New York Loyalist journals that "give three different pictures of loyalism." It must be said in this connection that the reviewer cannot concur in the author's decision that the existence of bibliographies in Flick and in Winsor "renders it unnecessary to include a bibliography" (preface, p. ix). A critical bibliography is rarely out of place. There is an entire absence of the impressive massing of references used by Flick, and important statements are at times made with little or no support. On page 161 we are told that "The Tories made every effort to render the state of war as odious as possible, and to this end many turned renegade and robbed and destroyed in so secret and mysterious a manner as to make life in their vicinity a state of terror." Absolutely no proof is given for this, though it certainly looks like a hasty acceptance of a Revolutionary legend that reminds us of the "Brigands" of the French Revolution. We are informed (p. 18) without reference that the Loyalists urged strenuous action on the British government; only one citation is given for the unqualified assertion on page 109 that "In New England, the people became convinced that their religion as well as their liberty was

in danger." A statement is made on the authority of Flick as to the number of New York Loyalists in the British service, and it is added, "All of the other colonies furnished about as many more," but no authority is given. Chapter X. is given the up-to-date title, "Reconcentration Camps and Banishment," but nothing is told us about camps or about reconcentration. No effort is made to deal with the immediate effects of the property changes consequent on the Loyalist removals and confiscations, though Mr. Flick had pointed the way to this in his statement that in New York "The revolution was thus a democratic movement in land-tenure as well as in political rights." Such an inquiry would of course be a considerable undertaking, but my main object in this criticism is to bring home a proper sense of responsibility in entering upon an extended theme.

In the last paragraphs of the book some general statements call for serious dissent. On pp. 302-303 we have a note in connection with the summary of the results reached by the British commission for the examining of Royalist claims; it concludes with these words: "Again, a rough estimate shows that nearly two thirds (of the claimants) were not natives of America. In other words, the active Tory of the American revolution was such, in a majority of cases, because he had not become a thorough American, had not yet fully imbibed American ideas." I will assume that the estimate is roughly accurate, but must contend that the conclusion drawn is in the highest degree hasty and untrustworthy. It must be remembered that the "active Tory" was very generally a development from the early moderate Tory and was developed mainly by Patriot intolerance. However this may be, this conclusion is diametrically opposed to the opinions of Professor Tyler and Professor Flick. Professor Tyler points out as a typical instance that in the list of 310 Tory leaders banished from Massachusetts by an act of September, 1778, the names "will read almost like the bead-roll of the oldest and noblest families concerned in the founding and upbuilding of New England civilization" (*The Literary History of the American Revolution*, I. 303); he concludes his examination of this question with the assertion that "it is an error to represent the Tories of our Revolution as composed of Americans lacking in love for their native country, or in zeal for its liberty, or in willingness to labor or fight or even to die, for what they conceived to be its interests" (*ibid.*, p. 314). Professor Flick tells us that "all of the loyalists, save a few extremists, desired peace on the broad ground of the American interpretation of British constitutional rights" (*Loyalism in New York*, p. 50); that while after 1776 the Loyalists were compelled to appear as unqualified supporters of Great Britain, "They were Americans and proud of it" (*ibid.*, p. 56). Mr. Van Tyne's own narrative is against him, and one is inclined to suspect that this later statement is due mainly to haste. But our confidence in his real comprehension of the Loyalists is again much shaken by the concluding sentences of the book, presenting them simply as the embodiment of sleek prosperity and materialistic content: "They were the prosperous and contented men, the

men without a grievance. . . . Men do not rebel to rid themselves of prosperity. Prosperous men seek to conserve prosperity" (p. 307). I have no space left for comment on this. It may readily be admitted that conservatism is usually strongest among those who have most to lose; but if this is Mr. Van Tyne's explanation of the Loyalism of the American Revolution it is not surprising that his book should be unsatisfying.

I have criticized not only the matter of this volume but the form of its presentation,—the more so as it is evident that the author has aimed to make it of popular interest. It is deficient in firmness and definiteness of plan and treatment, much in need of pruning and readjustment, marred also here and there by indications of hasty and unwise contraction and by repetitions (compare the opening sentences of the main paragraphs on pages 223 and 224, and the third and fourth sentences on page 17). Peculiarities of diction are sometimes painful; as the styling the demolition of houses for fuel by the Tories in Boston "fire-worship" (p. 54), and the statements that Galloway spoke the truth "when it was not obscured from him by passion" (p. 87); that the justices of the peace "administered the political shibboleth" (*i. e.*, the oath of fidelity, p. 135); that the early policy of the states in regard to the Tories "forces the belief upon us that conversion was the consummation devoutly to be wished" (p. 212). It should be added that there is a good index and that pp. 309–341 give most useful tabulations of anti-Tory legislation. The book has indeed many defects, but I repeat that it still shows that its author can do better; it is to be hoped that Mr. Van Tyne may continue his work in this field and in time provide us with a wholly satisfactory treatise.

VICTOR COFFIN.

Daniel Boone. By REUBEN GOLD THWAITES. (New York: D. Appleton and Company. 1902. Pp. xv, 257.)

THIS little book is strictly a life of Boone, and not a history of his times or of the regions where he lived. The author has distinctly disclaimed making him the hero of things which he did not do and of qualities which he did not possess. He has confined himself to showing what manner of man he was who came to such renown among his contemporaries and is esteemed a hero by the passing generations. The frontispiece is a reproduction of an authentic portrait of Boone in his old age by Chester Harding. The text is characterized by clearness of outline, balance of parts, unity of purpose, and completeness in itself. The author frankly states that he has not attempted to exhaust the sources of information about Boone. Had he done so, he must have cast his book in a different mould and on different lines. The present book is one of the Appletons' Series of Historic Lives.

George Boone, the grandfather of Daniel, came to Pennsylvania in 1717. He was a weaver by trade, born and bred to be a modest member of an English industrial village. Daniel Boone went backward to the

remotest verge of the agricultural stage of life, wherein men are unable to procure subsistence by agriculture alone and are obliged to supplement it by hunting. But he was not therefore a degenerate. Hundreds upon hundreds of American pioneers have done the same thing. This retrogression is a legitimate item in the expense of colonization, a part of the price which the higher civilization has to pay to conquer the frontier for itself. The stage of life to which the pioneers had to adapt themselves was in many respects parallel to that of the Indians with whom they came in sharp and bitter conflict and from whom they are sometimes said to have copied in manner of life and mode of warfare. But there was this very essential difference between the two races. The one had worked its way painfully and slowly upward and the stage of culture which it held was its latest racial attainment. The other had gone backward temporarily; it "stooped to conquer" and quickly rallied, generally within the generation, to its normal stage of progressive agriculture and industry.

The process was repeated over and over again. Indeed this backward stage on an ever-receding frontier forms a long, continuous, and distinct phase in American history. Most writers and students have found themselves more interested, and perhaps quite naturally, in the dynamic problem, in watching a people working out of the lower into the higher stage. But the static problem, the problem of a people living in the lower stage, is of sufficient magnitude, interest, and importance to merit clear recognition and discriminating treatment. It had its own conditions; it devised its own forms of organization; and it produced its own code of social conduct. Daniel Boone is its typical representative and popular hero.

Boone lived practically all of his life on this quasi-agricultural stage. He loved the life he lived and shunned the society which most men crave. While disposed to be orderly and law-abiding, he was irritated by those restraints upon the freedom of individual action without which a populous community cannot maintain orderly existence. He lost his property because he neglected to comply with the formalities through which alone private property in such communities can be protected. He wanted elbow-room and moved from Kentucky up to the Kanawha and thence out to Missouri to get it.

Sevier would not answer for the type of manhood on this stage of life. His is a different and a greater glory. He went down through it and rose up out of it to be a commonwealth builder. George Rogers Clarke would not answer, for he became a misanthrope. But of all the vices common to mankind or peculiar to men on this stage of life, and of all the corresponding virtues, Boone combined in himself fewer of the vices and more of the virtues than perhaps any other man known to fame. In his career, so admirably presented by Mr. Thwaites, we may find for contemplation an excellent type of the life peculiar to and characteristic of the conditions of the American frontier statically considered.

FREDERICK W. MOORE.

The Writings of James Monroe. Edited by STANISLAUS MURRAY HAMILTON. Volume VI., 1817-1823. (New York and London: G. P. Putnam's Sons. 1902. Pp. xviii, 444.)

EVEN a somewhat dull man's letters may make interesting "copy," provided he has been made President of the United States; and Monroe's letters of these seven years form no exception. Public affairs of importance and of varied interest are handled, not with brilliancy or pungency of expression, but with justice, discretion, and solid sense. The volume thus becomes, through these letters, an important contribution to American history in a period not on the whole so well illuminated as some that preceded it. One cannot help feeling a certain disappointment that there are not more of them, especially since these seven years are precisely those in which Monroe's personality is of most importance to his country's history. In proportion to Mr. Hamilton's fullness in earlier years, ninety letters for the chief years of Monroe's presidency seem few. He has apparently printed all that are of importance among the Monroe, Madison, and Jefferson papers in the Bureau of Rolls and Library. But one wonders if there are not other valuable letters in Washington, for instance among the miscellaneous letters of the period in the Bureau of Indexes and Archives, and feels almost certain that there are such among the Adams papers at Quincy, where Mr. Ford found so much for his more special purpose. Perhaps Mr. Hamilton has done all he could. Certainly he has done much, and one ought not to carp. It would seem, however, that it must have been possible to include the Monroe letters of this period which appeared in the *Bulletin of the New York Public Library* for last June and July, especially the letter of August 5, 1817, to George Hay, and that of July 31, 1823, to Fulwar Skipwith, both of which are on the whole more interesting than any printed in this volume, except the well-known letters written to Jackson in 1818.

Of the nine letters not derived from the Jefferson, Madison, and Monroe papers, four are taken over from Parton's *Jackson*. In the case of three of the four this does no harm. But in the case of the letter of December 21, 1818, it is most unfortunate. Parton took these letters from Calhoun's pamphlet of 1831 on the Seminole controversy. This one he mutilates in an extraordinary manner, cutting off the important final paragraph and then reasoning as if it had never existed. The reader can easily compare Parton, II. 528, with Calhoun's *Works*, VI. 421. Mr. Hamilton, by following Parton, presents the mutilated version.

For the uses to which the volume will be put it needs more explanatory foot-notes. The texts show frequently the fault which has been mentioned in the case of some previous volumes — the printing of a word which does not make sense when a word closely resembling it was certainly intended and might better be substituted. If by a slip of the pen the word which the editor prints has really been written, it is open to him to print the correct one in brackets. Instances which illustrate the defect are: "They say'd the opportunity," for "seiz'd" (p. 27);

"an annual expenditure nearly exact to the sum required," for "nearly equal" (p. 44); "a banditti . . . resting for support on presumed impurity within us," for "impunity" (p. 47, relating to Amelia Island). It would also, I now believe (though I own I did not always think so), be a perfectly allowable act on the part of an editor of nineteenth-century correspondence to alter corduroy punctuation into macadam, provided there is not the slightest doubt as to the meaning. Monroe often punctuates casually; his commas are not inspired, and they do trouble the reader.

Less than half the volume consists of correspondence. A hundred and fifty pages are taken up with inaugural addresses and with messages to Congress. These are procurable (at varying expense, apparently) in Mr. Richardson's valuable and expensively-indexed compilation; yet they belong here, beyond a doubt. One is not so sure about the last hundred pages. These form a collection entitled "The Genesis of the Message of 1823; Contemporaneous Correspondence on its Reception and Effects." It embraces some forty-nine letters. None of them were written by Monroe. Most of them have been printed before, including nearly all that deal with the genesis of the Monroe declaration — the familiar letters of Rush, Canning, and Adams. Neither these nor the letters of 1824 are a necessary part of such a series as the present; and as for explaining the genesis of the Monroe doctrine, Mr. Ford has already done that in a more enlightening manner and in a more perspicuous form.

J. FRANKLIN JAMESON.

Daniel Webster. By JOHN BACH McMASTER. (New York: The Century Co. 1902. Pp. xi, 343.)

The Letters of Daniel Webster, from Documents owned principally by the New Hampshire Historical Society. Edited by C. H. VAN TYNE, Ph.D. (New York: McClure, Phillips, and Co. 1902. Pp. xxii, 769.)

PROFESSOR McMASTER's volume is, in the best sense, a popular biography, and as such is cordially to be commended. It is pleasantly written and easy to read, but makes no particularly new contribution to our previous knowledge of Webster's life. Professor McMaster has at his command an unusual wealth of incident bearing on the period with which he deals, and he uses it, especially in the earlier chapters, to the enlivenment of the narrative. Much use is also made of Webster's letters and speeches, the extracts from the latter being frequent and extended, it being the aim, apparently, to let Webster speak as much as possible for himself. The general tone, while impartial, is at times adversely critical, and there will doubtless be disappointment that the great moments in Webster's career, particularly his attitude towards the slavery movement, have not been more prominently emphasized by a biographer so competent. The thirty-four illustrations, mostly portraits, are well done, and there is an admirable index.

Mr. Van Tyne's edition of Webster's letters is a valuable supplement to the two volumes of *Private Correspondence* published by Fletcher Webster in 1856. An interesting account of the fate of the Webster papers—typical of that which not seldom has befallen the papers of other distinguished men in this country—is given by Mr. Van Tyne in his preface. At the time of Webster's death, in October, 1852, most of his papers were at Marshfield. Those which were left in Washington, together with copies of the semi-official correspondence between Webster and Fillmore, were shortly sent to the same place, while copies of other letters were obtained through the efforts of the literary executors. The plans of the latter for the publication of the papers were, however, frustrated by Webster's son Fletcher, who turned over to the executors only such letters as he himself proposed to publish, though he received from Edward Everett a great mass of letters, the executors having decided to send to Fletcher Webster "such portions" of the correspondence and papers "as it might be deemed expedient to publish." After the issuance of the *Private Correspondence*, the borrowed copies were returned to the executors "in a confused condition"; and the three principal collections now remaining are, in Mr. Van Tyne's phrase, a "hodge-podge."

The letters retained by Fletcher Webster were divided between Professor Sanborn, of Dartmouth College, and Peter Harvey. Harvey's collection, with additions, was presented in 1876 to the New Hampshire Historical Society, and it is upon this collection, numbering over 3,500 letters, that Mr. Van Tyne has mainly drawn in the volume now published. The valuable collection owned by Mr. C. P. Greenough has not, save for ten letters, been available, perhaps because of its intended use in the new edition of Webster's works announced by Little, Brown, and Company, but some thirty letters have been drawn from the large collection of Mr. Edwin P. Sanborn, of New York. As it is, however, the Webster correspondence is still fragmentary. Many letters known to have been written have disappeared, while some of Webster's best-known correspondents are represented by but a few letters.

Mr. Van Tyne's edition is itself a selection. He has not undertaken to print anything like the whole mass of correspondence and memoranda to which he has had access, but such parts only as he judged to be of permanent interest, or typical of Webster's conduct or opinions in certain personal relations. Of the thousands of letters preserved, many are obviously of no consequence, and those he has wisely left untouched. Passages omitted without indication in letters printed by Fletcher Webster are given, if important, while many letters from Webster's wife and children have, on the other hand, been shorn of their unimportant or repetitious personal phrases. The method is dangerous, and would hardly be permissible in a more pretentious collection, but we do not imagine that there will be much criticism of Mr. Van Tyne at this point, though one must of course take his word for it that the excision has been judicious.

The volume now before us contains 653 letters from Webster, 217 letters to him, and 93 miscellaneous pieces. The varied contents of the collection has led Mr. Van Tyne to reject the chronological arrangement and group the papers under a topical classification. The grouping is in ten divisions: early life, the local politician, the national statesman, family relations, relations with friends and neighbors, the farmer of Marshfield, intellectual interests, the sportsman, personal finances, and religious and moral character. On the whole, the division fits fairly well, though the line between local and national political activity will seem to some rather arbitrary. Mr. Van Tyne draws the line at 1823, when Webster returned to Congress after an absence of six years. Of the papers of the local period, the most notable is the draft, hitherto unpublished, of Webster's speech on Giles's conscription bill, December 9, 1814. Part of the argument against the proposed measure recalls the opinions of Jefferson and Hamilton on the constitutionality of a national bank, while the declarations as to the powers of the states sound a bit strange when Webster's later utterances are remembered. The reason for reprinting verbatim from the *Private Correspondence* the paragraph on p. 93, declaring Webster's opposition to the congressional caucus, is not clear.

In the section on "Webster as a National Statesman" the most interesting single document, again, is not a letter, but the outline of the Seventh of March speech. The famous phrase "I would not take pains uselessly to reaffirm an ordinance of nature, nor to reenact the will of God" (*Works*, V. 352), stands here, "I will not reaffirm," etc. (p. 397). The qualifying words in the speech as printed are significant. The letters show the wide-spread approval of the speech outside of New England, and the attempts to get an endorsement of it in Massachusetts, where the opposition was bitter. That Webster might have been the great leader of the antislavery forces is clear from a letter of January 29, 1838, to Benjamin D. Silliman, in which he gives it as his opinion "that the antislavery feeling is growing stronger and stronger every day," and that "the substantial truth" ought not to be yielded "for the sake of conciliating those whom we never can conciliate" (p. 211). It was a devious course which led him from this to speak, in 1851, of "Abolition notions" (p. 476), or to write to Petigru in August, 1852: "The *ὅτι πολλοί* of the Whig party, especially in the north and east, were, in March 1850, fast sinking into the slough of free soilism and abolitionism. I did what I could to rescue the country from the consequences of their abominable politics. I disdain to seek the favor of such persons, and have no sympathy with their opinions." Professor McMaster's volume, read in connection with the letters presented by Mr. Van Tyne, shows but too plainly how Webster, from the time he became a popular idol and a hankerer after the presidency, changed steadily from the statesman to the politician. There are numerous allusions in the letters to his presidential aspirations, and his desire to "steer his boat with discretion."

The *errata*, though not numerous, are of the kind that ought not to occur. Landon for Jaudon (p. xxii), Plummer for Plumer (pp. 74, 110, 552), Abbot for Abbott (p. 449), Daniel T. Tompkins for Daniel D. Tompkins (p. 85), Curtiss for Curtis (p. 470), and Wallcot for Walcott (p. 580), are among the misprints, together with such erroneous readings of the manuscript as Sauger for Sanger (pp. 441, 470, and elsewhere), W. H. Grinnell for M. H. Grinnell (pp. 537, 539), Colgent's for Colquitt's (p. 608), Tuckers for Suckers, contemporary slang for people of Illinois (p. 221), and Doroney for Downs, senator from Louisiana (p. 399). "The letter to Reverend Goddard" (p. 735) is at least inelegant. The numerous foot-notes are brief, but generally sufficient. There are a few slips, as on p. 372, where the career of E. Rockwood Hoar is made to appear as that of his father, and on p. 462, where the first note is meaningless. Note 2, p. 625, is a repetition of a part of the preceding letter. The Horatio G. Cilley noted on p. 742 is apparently the same person as the one referred to, with a different residence, on p. 743. The absence of an index is extraordinary, and is but partially atoned for by the full table of contents and useful chronological indexes of the papers.

WILLIAM MACDONALD.

Georgia and State Rights. By ULRICH BONNELL PHILLIPS, PH.D.
(Washington: Government Printing Office. 1902. Pp. 224.)

THIS is the essay for which the Winsor Prize of the American Historical Association was awarded in 1901. Its subtitle describes its scope, "A Study of the Political History of Georgia from the Revolution to the Civil War, with Particular Regard to Federal Relations." The essay, of more than two hundred pages, has to do with some of the most important subjects in American constitutional history. Georgia in the making of the Constitution; the expulsion of the Cherokees; the case of the Cherokee Nation *vs.* Georgia, and that of Worcester *vs.* Georgia; the attitude of Governors Troup and Lumpkin and of Georgia toward the national government; Jackson's attitude toward Marshall's decision; and the practical nullification of Georgia in the Worcester case — these are some of the important topics within the first half of Dr. Phillips's treatise. On all these topics the essay makes very helpful contributions for the student's use. In connection with these topics the author considers the various factions and parties in Georgia politics, and he brings within his view the public life and opinions of prominent statesmen of Georgia like A. S. Clayton, Gilmer, Forsyth, Crawford, Colquitt, and, later, men like Toombs, A. H. Stephens, Howell Cobb, Herschel V. Johnson, and Joseph E. Brown — men whose influence in the arena of national politics has been such that no student of American history can afford to be ignorant of their personal careers.

In considering state issues and state leaders the constant relation of these to national politics is indicated. The strength and composition of

the Whig party in Georgia, and its relation to the party at large; and the attitude of Georgia's public men on state sovereignty, the tariff, annexation, and slavery are instructive parts of the volume. We conclude from Dr. Phillips's essay that the strength of the Whig party in Georgia was due to the popularity of their leaders and to the tact with which they avoided national issues for the sake of state and personal issues. The Whig leaders also attempted to make their voters believe that the national Whig organization was as safe as the Democratic as a guardian for the interests of slavery. In this they succeeded in 1848, but not in 1844, as Taylor carried the state against Cass, but Clay lost it against Polk, from pro-slavery considerations in each case.

A section of the book deals with the slave system of the state, the slave code, the slave-trade, the condition of the free negro, the effect of the cotton-gin and of the abolition agitation. A spirit of sympathy with the Southern point of view pervades the volume. "There was apparently," says the author, "a steady advance of sentiment in Georgia against the justice [*vis*] of slavery from the time of the adoption of the Federal Constitution until Garrison began his raging" (p. 158). Slavery is described as "mild servitude of a patriarchal character," with a "softer side . . . than that which such prejudiced observers as Olmsted and Frances Kemble have described" (p. 155). "The field hands were usually under their owner's personal supervision. . . . The slaves were governed by harsh overseers only in very rare cases" (p. 154).

The later chapters of the book deal with the struggle over slavery in the territories; the Wilmot Proviso and its effect on parties in Georgia; the Whig connivance at Howell Cobb's election as speaker of the national House; the support that Cobb, Toombs, and Stephens gave to the compromise measures of 1850, by whose coalition a union sentiment was maintained in Georgia and the "Constitutional Union" party was formed,—a coalition that elected Cobb to the governorship and, against the counter organization of the "Southern Rights" party, displaced Berrien, the "last of the older school of Georgia statesmen," with Toombs, in the United States Senate; the struggle of 1852, in which Toombs and Stephens repudiated General Scott as the Whig national candidate, giving the state to Pierce by an overwhelming vote; the Kansas-Nebraska struggle and its results; the influence of the Dred Scott decision and of John Brown's raid; and the final struggle in Georgia between Toombs and Stephens over immediate secession,—all these matters and many minor ones are touched upon with more or less of detail. The book is a compact compendium of valuable matter, well arranged, but without much color.

The essay fulfils its title. It is a political history of Georgia in relation to national affairs. It is therefore of interest, not only to the special student who may be interested in Georgian history, but to the general student of American politics. There is a good index, and a series of maps shows the political geography of the state at various periods.

JAMES A. WOODBURN.

The Second Bank of the United States. By RALPH C. H. CATTERALL. (Chicago: The University of Chicago Press. 1903. Pp. xiv, 538.)

THIS volume, which appears in the "Decennial Publications of the University of Chicago," is an exceptionally fine example of original historical research on an extended scale, devoted to a limited subject of inquiry, undertaken by a single investigator. The author was unusually fortunate in laying his hands upon something really original in every sense of the term, and this good fortune accounts for much of his success. It is not every investigator who can gain access to unworked archives, and some of those who do enjoy this opportunity make a sorry mess of their privilege; Mr. Catterall, however, has treated his material admirably, so that there is form as well as matter.

The proportions of the book are generous and comprehensive; the administrations of the several presidents of the bank, Jones, Cheves, and Biddle, are taken up in order, and the distinctive features of each plainly characterized. The statistical material is so carefully tabulated that in Biddle's administration two stages of policy are clearly defined. Of the strictly historical part of the book, nearly one-half is given to the years 1816-1829, a period generally neglected. The appendixes contain many useful documents and memoranda; there is a bibliography of fourteen pages, and intelligible charts add to the usefulness of the work.

The second United States Bank has long held an enigmatical position in American history. It indeed has been held accountable by one writer or another for almost everything that happened between 1829 and 1837. Mr. Catterall has unveiled the mystery, and henceforth writing the history of the Jacksonian period ought to be an easier task. The author has used to good purpose not only the documentary material that has been available to all historians, but through the courtesy of Mr. Craig Biddle he has had the advantage of examining the papers of Nicholas Biddle, including his manuscript correspondence and his letter-books as president of the bank. As Biddle was a generous writer and attached to himself correspondents who also wrote freely, the treasure-trove thus gathered is of the richest sort.

In the second place, the author has thoroughly mastered the political arithmetic involved in the discussion of domestic and foreign exchange, discount, branch drafts, race-horse drafts, and bank statements. This comprehension of banking practice is visible throughout the work; its service is especially valuable in Chapters II. and III., which deal with the disastrous years 1817 to 1819; in Chapter VI., which treats of the branch drafts; and in Chapter XIII., which is devoted to the contraction and panic of 1833-1834.

There are two bank questions in particular which have puzzled American historians: the first is the origin of Jackson's antagonism to the United States Bank; the second concerns Clay's relationship to the struggle for a recharter. On each of these points the author has decided

opinions and presents new evidence. It is concluded that when Jackson entered upon the presidency he was definitely hostile to the bank; the proof in regard to this is held incontrovertible (p. 183). This opinion, which, as is well known, is opposed to that of Parton, Von Holst, and Schouler, is based in part upon the documentary evidence accessible to all investigators, but is strengthened by certain letters found in the Biddle files. Mr. Catterall lays great stress upon an undated and unsigned letter attributed without question to Jackson, which reads as follows: "I think it right to be perfectly frank with you; I do not think that the power of Congress extends to charter a bank ought of the ten-mile square. I do not dislike your bank any more than all banks, but ever since I read the history of the South Sea Bubble I have been afraid of banks." It is held that this deep-seated conviction of Jackson, antedating his inauguration, was the real cause of active opposition; for this reason the Jeremiah Mason Portsmouth branch episode is not regarded as of serious importance, but simply as one of a series of cumulative attacks upon the bank.

The author lays hold of the root of the whole controversy by his keen appreciation of the attitude of democracy to the bank, the growth of hostility to monopoly, and the development of the spirit of "envy and hatred which the poor always feel for the rich." The significance of this growing sentiment of popular suspicion of money monopoly in the years 1825-1830 was not realized by Biddle, and for this reason he constantly misunderstood Jackson: he mistook certain kindly expressions as favorable to the recharter; and then when Jackson found it necessary to declare himself positively upon the issue, he attributed Jackson's apparent change to political intrigue or to bad temper. Biddle indeed was thoroughly perplexed as to the attitude of the President towards the bank: "I have heard so much and such various opinions that I have ended by knowing nothing." Probably Jackson himself was not entirely clear as to his own mind when details were suggested, and the explanation of this again is to be found in the new uprising of industrial democracy. Corporate and money power must be kept in check, but no program of reform had been worked out.

As to the second question, the author does not think that Clay was responsible for dragging the bank into the political campaign of 1832. "Clay's influence was directed to this end, but it was only a minor element in the ultimate decision, Nicholas Biddle was the responsible actor" (p. 215). In 1829 and 1830 Biddle clearly understood that the bank must be kept out of politics if it wished to succeed in its efforts. For months he withstood all temptation; "during all this time he never exhibited the faintest trace of wavering on account of the opinion of either Clay or Jackson partizans." It is McDuffie, chairman of the Committee of Ways and Means, a Southern Democrat, whose advice was followed, and in January, 1832, Biddle made up his mind that the time had come to introduce the application. Webster was notified, but not Clay. A month later Biddle even thought of appealing directly to the President,

writing to Ingersoll that he cared "nothing about the election." Then came Clayton's motion for another inquiry, and matters were delayed. Biddle was advised to withdraw the application for a time, pending the fall elections, but he felt that he had gone too far, and refused. The result was the veto; and up to this point Clay is given but little prominence. After the veto Biddle threw prudence to the winds. Contraction was deliberately adopted as a club to break Jackson. The Biddle letter-books are especially instructive for this period:

"My own course is decided . . . all the other Banks and all the merchants may break, but the Bank of the United States shall not break. I have asked Com. Biddle what is the least sail under which a man of war can lie to in a gale of wind, and he says a close reefed main topsail. So our squadron will all be put under close reefed main topsails and ride out the gale for the next two years. As for those who have no sea room and breakers under their lee, they must rely on Providence or Amos Kendall" (p. 331).

Letters of this style make interesting reading; only one more can be quoted: "This worthy President thinks that because he has scalped Indians and imprisoned Judges, he is to have his way with the Bank. He is mistaken" (p. 339).

The charges against the bank are thoroughly discussed. As a national bank, "the Bank never spent a dollar corruptly." The branches, however, engaged in intrigue; the bank lobbied in its own interests; it granted questionable indulgences to Congressmen, and spent altogether too much for printing.

The author makes an exhaustive review of the various services which the bank rendered to the commercial and fiscal economy of the country, and concludes that it was a serious error not to grant a recharter. It is somewhat difficult to reconcile this judgment with the long and detailed narrative of the mistakes which the bank made in its checkered career. For the moment the author appears to lose sight of the clue which guides him so skilfully in disentangling the contradictions of the struggle between 1829 and 1834, that is, the attitude of social democracy. The bank may have proved of service from a monetary and fiscal point of view, but does not the evidence spread on page after page show that the country, politically and socially, was not yet prepared for this service? The commercial machinery of a country must be in harmony with its spirit; otherwise even the best of machinery will go wrong, and this is the lesson which it seems to me is most impressively set forth in Mr. Catterall's painstaking analysis.

DAVIS R. DEWEY.

Personal Reminiscences of Prince Bismarck. By SIDNEY WHITMAN.
(New York: D. Appleton and Company. 1903. Pp. x, 346.)

No one could have done such a work better than Mr. Whitman, who knows his Germany at first hand, and who moreover approaches his

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hero in the proper spirit — that of worship. In eighteen chapters Mr. Whitman embodies about a dozen visits to the great chancellor at his different country-seats, Warzin, Schoenhausen, Friedrichsruhe; and on each occasion he draws much talk from his host, which he carefully notes and arranges with admirable comment and literary skill. We have to take the author's point of view in order to justify this book. In the preface he subscribes to the opinion that nothing that Bismarck could say would be too trivial, and that no Boswell could be too attentive when such a Johnson was speaking. For those who feel in this wise — and there are many in Germany — the book is priceless. It is made for the uncritical admirer of Germany's great statesman.

Yet for his own fame this book, and others such, have done little. We read through the 346 pages with interest, but the effect produced is opposite to the one intended by the author. Bismarck in the minds of millions has been placed upon a lofty pedestal along with Luther and Charles the Great beyond criticism. About such heroes legends should cluster. They should be canonised in our minds — looked upon as sinless and infallible, if they are to remain heroes. The genuine Bismarck worshiper must resent having his idol discussed, interviewed, and exposed to such an extent that he appears not merely mortal, but a very moderate mortal at that.

Mr. Whitman introduces us to Bismarck after his dismissal by the Emperor in 1890, and we have glimpses of him until his death in 1899. A great variety of opinions is expressed, but none that sustains the chancellor's reputation for epigram or profundity. When I closed the book it was under the impression that I had been with an influence that was made up largely of suspicion and hatred. Bismarck shows in these pages a morbid sensitiveness regarding what the press is saying of him; he refers to his own Germans with contempt; there is a strange absence of generous feeling towards other nations; and most extraordinary is his dislike of Gladstone and the English. Mr. Whitman seeks to explain this by the fact that his trusted secretary Lothar Bucher, who had fled to England after the revolution of 1848, was very bitter against the land that had given him shelter, and that Bucher had poisoned Bismarck's mind. There is more than this behind the hatred of England which rose to fever-heat during the Boer war. The old Emperor William never learned to speak English, though he too had to take refuge on the Thames after the revolution on the Spree. He had also visited Queen Victoria in 1844. But England made no more impression upon him than upon Bucher or Bismarck. A great statesman would have been above such personal hatred — above the vulgar sentiments of the masses.

The absence of the chivalrous in Bismarck is frequently brought to light, notably in his treatment of the present Emperor's mother. If Bismarck took a personal dislike to any one, then no means were too ignoble if they served his purpose of destroying that person's influence. There are many instances of this; but when he applied these tactics to a woman — and that woman the mother of his Emperor — he found out

his limitations. The Emperor William II. is eminently a gentleman — a man of his word — a man of courage — a fair-minded man. He has plenty of other faults, but pettiness is not amongst them. He saw through the pettiness of Bismarck, and hence the dismissal which at the time seemed to portend calamity to the Empire.

Mr. Whitman gives us no anecdotes of importance nor any sayings that we care to look up a second time. He obviously deprecates his hero's dislike for England and extenuates it as well as he can. Mr. Whitman touches upon a visit paid to Bismarck by Herbert Gladstone, and criticizes this as being contrary to etiquette — that he first should have inquired "Whether their visit would be agreeable"! Mr. Whitman hereupon thinks it was quite proper that "In every case when Mr. Gladstone's son . . . called at Friedrichsruhe they found the Lord of the Manor 'not at home'"! This is perhaps the best example of the meanness of spirit to which I have referred; and if there is anything more strange than the pettiness of a great Bismarck it is to read the effort made by Mr. Whitman to gloss it over.

I happened to be in Hamburg when Mr. Gladstone was there; it was in 1895, when I was the guest of the German Emperor at the festivities connected with the opening of the great Baltic Canal to Kiel. All the guests were immensely driven by a multiplicity of social and official engagements, and I recall marveling at the time at the energy and magnanimity that impelled Mr. Herbert Gladstone to carry his father's card to the front door of a Bismarck. Mr. Gladstone was six years the senior of Bismarck; he too was a retired prime minister; he had held the helm of a ship representing interests vastly more complex and extensive than any with which Bismarck had had to deal; and nothing seemed more proper than that on arriving in his yacht at the German port nearest to the home of the German statesman he should in the usual manner make his arrival known. He did so, and gave Bismarck one more opportunity of exposing the peculiar quality which made it imperative that the German Emperor dismiss him in 1890.

Mr. Whitman has ideas upon etiquette that I cannot hold; they are certainly not those of the German Emperor. And moreover etiquette was made for small men, not for statesmen out of office. The plain duty of a gentleman was for the master of Friedrichsruhe to acknowledge Mr. Gladstone's card at the earliest opportunity, to ask him to his house or, in case he did not wish to see him, to say so in suitable language.

The hate of Bismarck against England is only matched by his strange fondness for the Russian — again a counterpart of the feelings of his great master William I. Analyze this psychologically and you will trace it to our disposition to think well of those who flatter us or serve us, to resent the independence of people who are free in their manners and opinions. Bismarck loved his docile peasantry of Wendish or Slav extraction; but he did not admire the Magyar, who is the embodiment of warlike independence. Bismarck maintained his antagonism to the Socialists to the very end in spite of the fact that the more he enforced

harsh police measures, the more did the Socialist party wax. Of the noble and gallant soldier Caprivi, who obeyed his Emperor by succeeding Bismarck as prime minister, he says, "but now I see he is only a talker!"

The book is an important contribution to history. It reveals to us the true Bismarck; it explains to some extent why nearly all the domestic and foreign measures connected with his name have been failures after the moment of consolidating the Empire. The truth is here suggested, if not fully spread forth: that Bismarck was not a great character, that he was not built on broad, generous lines, that he could not lift himself above the poisonous mists of personal likes and dislikes. This truth Mr. Whitman's book admirably if unwittingly expresses; and it is the more valuable by reason of the fact that it is intended for those who hold Bismarck so high that nothing from his lips can prove uninteresting.

POULTNEY BIGELOW.

Queen Victoria — a Biography. By SIDNEY LEE. (New York: The Macmillan Company. 1903. Pp. xxxiii, 611.)

THE word "provisional," which might be stamped across the title-page of most historical works, deserves to be stamped in particularly large type across the title-page of any biography that deals in these days with the career and character of Queen Victoria. There is, of course, no dearth of authentic material. The difficulties which present themselves to a writer like Mr. Lee are those of nearness and of loyalty. To appreciate the character of the problem we must remember that the phenomenon is unique in both political and personal history. For over sixty years the crown has steadily lost in power and steadily gained in influence. The loss of power must be ascribed to general causes, but that the advance of prestige is due to the Queen's popularity may be seen by a backward glance at the reigns of her uncles. The familiar lines which her laureate applied to her husband are equally true in their application to herself. She wore "the white flower of a blameless life, . . . In that fierce light which beats upon a throne And blackens every blot." Or, as another poet has it, she proved that "even in a palace life may be well led," thus gaining a place among that rare class of rulers which includes Marcus Aurelius, King Alfred, and St. Louis.

At the same time the Queen was very human and she lived in the age of photography. Here Mr. Lee's difficulties begin to be pressing. As an Englishman he shares in the national reverence. As a biographer trained in the severe methods of the *National Dictionary* he is bound to exalt impartiality and to shun mere adulation. The chief praise of this book is that he approached his trying task in the proper spirit. Memoir writers of the court and of St. Stephen's have gossiped about the Queen with all the volubility of the nineteenth century. Mr. Lee sifts the chit-chat with a double purpose. He is just but he is also sympathetic, paying fit consideration, he says, "to the public and to the private

interests involved. The inevitable candour of the historical biographer can never be unwelcome to those who honour the Queen's memory aright. Truth with her was an enduring passion." Accordingly Mr. Lee speaks quite frankly about certain foibles — the fondness for German relatives, the strong native prejudices and predilections which needed to be schooled, the bad taste in art, and the somewhat morbid tendency of mind which led to the accumulation of sepulchral memorials. Justice gets its due, but there is no exaggerated display of candor. Mr. Lee always remembers the Queen's fundamental honesty of character, her sympathy with her subjects, and her profound sense of public duty. "Far from being an embodiment of selfish whim, the Queen's personal sentiment blended in its main current sincere love of public justice with staunch fidelity to domestic duty, and ripe experience came in course of years to imbue it with much of the force of patriarchal wisdom, even with 'something like prophetic strain.' In her capacity alike of monarch and of woman, the Queen's personal sentiment proved, on the whole, a safer guide than the best-devised systems of moral or political philosophy."

In such a brief note it is only possible to point out the essential difficulties of Mr. Lee's problem and to comment upon the temper in which he has approached them. As regards contents, the prospective reader expects to find the political element a strong one. Indeed, the domestic life of the Queen is hardly touched upon, apart from its bearing upon public issues and public duties. The concluding chapter on her position and character is but one of forty-nine and is contained in fourteen pages. The praise which Mr. Lee merits is that of having steered a difficult course with great skill, of having won the success which is due to honesty, and of having written the best sketch of the Queen's character in relation to her reign.

CHARLES W. COLBY.

The Three Years' War. By CHRISTIAAN RUDOLF DE WET. (New York: Charles Scribner's Sons. 1902. Pp. x, 448.)

THIS work, which purports by its title to be a history of the late war between Great Britain and the South African Republic, is a simple narrative of the part taken in that war by the author. Though formally dedicated to his "fellow subjects of the British empire," it is addressed, as appears in the preface, to the general public of the civilized world.

Christiaan Rudolf de Wet was mustered into the commando of the District of Heilbron in the Orange Free State October 3, 1899, as a private burgher, and laid down his arms May 31, 1902, as general commander-in-chief of the Orange Free State armies. It would be interesting to learn the particular causes of his rapid rise; what, if any, had been his previous training and experience as a soldier; what was his political backing — for in the militia army of the Boers it must have been an important factor; what was his age and parentage; what had been his early schooling and higher general education. But, as already intimated, the work is not a biography. On these interesting questions it leaves

the reader in the dark. By his exploits de Wet proved himself a man of strong will, great fertility of resource, and abounding health and vitality; and his comments show Christian faith in God, and a simple trust in His siding with the weaker battalions when they have right on their side.

Of the 426 pages of text 104 are appendixes consisting of correspondence and reports (1) of the meeting of the general representatives to consider the military situation, May 15, 1902, (2) of the conference at Pretoria between a commission of the national representatives and Lords Kitchener and Milner, to agree upon terms of peace, May 15-28, 1902, and (3) of the meeting of the special national representatives which considered and accepted the terms agreed upon, May 20, 1902. To the political and perhaps to the military student the appendixes will prove the most interesting part of the work. They show better than the narrative the desperate straits to which the Boers were reduced by the strategy and tactics which the author criticizes and ridicules. The blockhouse system he dubs the blockhead system (p. 260). General Botha, addressing the general representatives, May 16, 1902, said: "A year ago there were no blockhouses. We could cross and recross the country as we wished, and harass the enemy at every turn. But now things wear a very different aspect. We can pass the blockhouses by night, but never by day. They are likely to prove the ruin of our commandos." De Wet never thought that the Boers could win their cause except by divine intervention, on which, however, he never ceased to rely. At the final meeting of the representatives he said: "God was our only hope when the war began. And if, when the war is over, victory lies with us, it will not be the first time that faith in God has enabled the weaker nation to overthrow the stronger" (p. 408).

Having no definite prospect of success, he could not have any final strategic aim. His operations necessarily lack the unity which results from pursuing a general idea, of moving steadily upon a definitive objective. His narrative is correspondingly fragmentary. He presents no general view of the political or military situation at the outbreak of hostilities; no statement of resources in men, money, or munitions of war; no description of the theater of operation; no plan or project of offense or defense; and he acknowledges himself incapable of describing or discussing operations in which he did not himself participate. His only purpose seems to have been to kill, capture, and destroy, whenever and wherever he could. He resents the appellation of guerrilla, but does not suggest any term more appropriate to the officers and men of his command, and seems to ignore the definition of the word. He inveighs with more force than justice against what he regards as wanton destruction and cruelty on the part of the British. When an army on the defensive is defeated and broken up, and proceeds to operate in separate and detached bands, subsisting off the country without established bases or lines of supply, the enemy has nothing left to do but to carry the war home to the people.

In material and manufacture the book is worthy of its highly reputable publishers. As frontispiece it contains an expressive and doubtless faith-

Brinkley: Japan: Its History, Arts, and Literature 795

ful likeness of the author by John S. Sargent. For the rest, the illustrations consist of four plans from sketches by the author, and four maps (three of South African territory and one of England and Wales) all on one sheet. These productions are no credit to the publishers, and hardly any assistance to the reader. The plans are the barest outlines of *terrain*. To make use of the maps one must have good eyes and a good light or strong glasses. The reader is never referred to any particular map, but is left to hunt for what he wants with the assistance of such powers of divination as he may happen to possess. He is likely, therefore, to give up the maps as impossible, and trust to the text and his imagination for his geographical bearing. There is a full index, in which, however, the hero of the story, De Wet himself, is signally slighted.

JOHN BIGELOW, JR.

Japan: Its History, Arts, and Literature. By CAPTAIN F. BRINKLEY. [Oriental Series, Volumes VII. and VIII.] (Boston and Tokyo: J. B. Millet Company. 1902. Pp. 396; 450.)

China. By CAPTAIN F. BRINKLEY. [Oriental Series, Volumes IX.-XII.] (Boston and Tokyo: J. B. Millet Company. 1902. Pp. iv, 426; 273; 285; 292.)

THE complete work of the accomplished editor of *The Japan Mail*, for thirty years a capable and enthusiastic student of the language, literature, art, history, and politics of Japan, is now before us. Its chief value lies in the revelation of the environment of the native artists who have so aided the historical development of the nation. Old Japan was a rich and wonderful "world outside of money" and science. Having no invaders or hostile pressure from without, the islanders developed from within those elements of action and counter-action by which progress is possible. Each clash of novelty from the Asian continent came as a literary, intellectual, religious, or artistic impulse. Political emissaries were few indeed. Even when the Japanese themselves invaded Korea, their famous harrying ground, the results were seen chiefly in the appropriation by them of both art and artists, and not in the possession of land nor in counter hostilities. Captain Brinkley, devoting one volume to the ceramic art of Japan, writes familiarly from direct knowledge, paying his respects critically and abundantly to the conjectures of European writers. Under his treatment it is seen clearly that while European art and its derivatives stand for representation, that of the orient, and especially of Japan, stands for pure design. Japanese art is mostly decorative and weak in figure-painting, and the reason is plain. The Japanese artists have never appreciated the contours of the human figure, and studies of the nude would have shocked the sense, not of decency but of refinement. Until the nineteenth century and the rise of the Hokusai and Ukio-yé (passing world) style of painting, the subject-matter of art lay in the precincts of the court and the temple, where the exposure of any part of the person except the face and hands was deemed a gross

breach of etiquette. The author notices the influence of Wagenaar and Dutch commercial patronage, which increased gaudy decoration but hardly improved art. A startling instance of foreign influence is seen in the case of the artist Kwazan, who from 1820 to 1840 blended most felicitously the styles of the orient and the occident. As everything from the west was then under political ban, Kwazan fell under the same inexorable censorship, which purged the critico-historical writings of Rai Sanyo, who nevertheless created the political opinions which finally overthrew the Yedo government. The Yedo censors also broke up the plates of the far-seeing author and map-maker Rin Shihéi and threw him into prison, whence he never emerged. Kwazan received the order to commit hara-kiri November 3, 1840, which he did, and was then duly decapitated. In 1890, when the tide had so far turned and Japan had been transformed, an exhibition of his pictures was held in Tokyo and his genius celebrated. The hidden history of Japan, from the expulsion of the Portuguese in 1617 to the restoration of 1868, still awaits treatment by a competent pen. It is a fascinating theme and invites the student.

In the eye of the artist, China's greatest contribution to civilization has been in the line of ceramic production. To this subject a volume is devoted. The author has not indeed had the same direct intimacy with Chinese as with Japanese products of the furnace, and yet one may safely say that no other work yet produced gives such an accurate historical outline and so clear and full an appraisal of the different wares as to texture, decoration, glaze, color, and form, as this.

To bring the subject of Chinese history within reasonable bounds, or into a form comfortable to most Western readers, Captain Brinkley has chosen the golden mean. Yet his very readable work only makes us long the more for one which will treat with mastery of material and with clear insight the evolution of the Chinese from patriarchal and primitive forms into feudalism, and thence into unity under absolutism, the dissolution into minor kingdoms, the rise of the strong and brilliant unities under the Tang and Sung dynasties when China had her golden age in art and literature, the outbreak of populism, the examination afresh into the foundation of things, the philosophic and social reconstruction in the middle ages, with the treatment of those modern dynasties — Mongol, Ming, and Tartar — which have touched western and modern history. Those who look for any such thing in the present work will be wholly disappointed. With the author's firm grasp, easy touch, and profound and broad view of Japan, his sketch of China is in startling contrast, for it is mainly that of the foreigner's trade and diplomatic relations. Nevertheless we have here an accurate and interesting picture of the natural background, of administration, and of finance, the history, during the "pre-conventional period," of foreign intercourse by means of medieval travelers and the first modern traders. The "conventional period" begins with the opium war. Three able chapters are given to a discussion of the "propaganda and Chinese religion." Another one treats lumi-

nously of education, literati, secret societies, and rebellions. Those who think that the Chinese are conceited and in all their airs and documents patronizingly superior should read again President Tyler's autograph letter of information and admonition to his great and "good friend" at Peking. Captain Brinkley makes merry over this "diapason of dignified condescension." Over and over again this Englishman of judicial mind handles, with searching criticism and often with frank disapproval, the methods of British diplomacy, while praising the policy of the United States government, which "may be implicitly trusted to do in any international complication, not merely what is right and just but also what is generous." The occupation of Canton and Peking, the Tai Ping rebellion, the sequels of conquest, the curious French tactics, under Admiral Courbet, of battle but not "war," and the situation of to-day are finely depicted. We may add that the superb illustrations and mechanical equipment, the abundant notes and appendixes, the indexes, and two large colored maps in this second instalment are of the same high standard as that set in the first volumes.

WILLIAM ELLIOT GRIFFIS.

To receive a copy of Alzog's *Manual of Universal Church History* (Vol. I., Cincinnati, The Robert Clarke Company, pp. xxii, 779) with the date of 1899 excites an interest which dies out with the discovery that the book is only a reprint (fifth impression) of a translation made in 1874 from the ninth German edition. Alzog's work has been held in honorable esteem, but the reprint occasions comparisons that do it injury. It evidences by its deficiencies the progress made in early church history by the intense activity of a generation of scholars. It presents a knowledge which was prior to a long list of discoveries and identifications. It knows nothing of the recovered Didache, of apocalyptic and apocryphal fragments, of many gnostic works, narratives of martyrdoms, and patristic discoveries. It is without the light that has been thrown upon the persecutions and the significance of early heretic and schismatic movements. Its constructions are adjusted to views which precede the labors of men like Ritschl, Harnack, Zahn, Loofs, Hatch, Funk, Kraus, Bardenhewer, Ehrhard. Such a list of names shows that Catholic scholarship has been fruitful and influential, and it provokes the question why Catholic students should be contented in 1899 with a bibliography made before 1874. The evident popularity of the manual in its American form should lead to a revision such as has been given to the German original. It would be still better if the work should be antiquated by a production from American Catholic scholarship.

FRANCIS A. CHRISTIE.

Student's History of the Greek Church. By the Rev. A. H. Hore, M. A. (London, James Parker and Company; New York, E. and J. B. Young and Company, 1902, pp. xxxi, 531.) There is need of a good historical manual of the eastern church in English, but the present work is not

so much a history as an argument, in which three things are attempted, *viz.*, to vindicate the church of England's claim to catholicity, to combat the exclusive claims of the church of Rome, and to promote the union of the Greek and Anglican churches. The author would probably place the last-named object first. Recognizing his motive, one must of course judge the book by other standards than those commonly applied to purely historical writing. From this point of view one might regret that the title was not differently worded. The main purpose would also have been better served by omitting many details, which in a book of this size are a blemish in any case.

There are two main divisions: first, the patriarchates of Constantinople, Alexandria, Antioch, and Jerusalem (that is, the history of the eastern church), down to the fall of Constantinople; and secondly, the Russian church to the present time. Part I. includes an account of the schismatic churches of the east. There is a disjointed introduction entitled "Some Characteristics of the Greek Church," and a concluding plea for "The Reunion of Christendom." A chronological table and an index facilitate the reader's use of the book. The author's general plan is better than his distribution of his materials. The introduction is a perfect jumble. Eight pages on the early efforts to Christianize the Slavs are thrust into the midst of an account of Photius and the great schism (pp. 258-266). There are other defects of a different kind. One would never suspect, from the slight hint at the bottom of p. 214, that in 1898 the Persian Nestorians passed over into the Russian church. Careless proof-reading is no doubt responsible for "the first forty days of September" (p. 13). Indeed, typographical errors abound, especially in the Greek words and phrases, which are scattered profusely throughout the book. Unfortunately, Mr. Hore's latest effort will hardly be received by scholars with greater favor than was shown to his *Eighteen Centuries of the Orthodox Greek Church* (London, 1899).

J. W. P.

A History of the Middle Ages. By Dana Carleton Munro. (New York, D. Appleton and Company, 1902, pp. xii, 242.) This little book adds one more to the list of excellent texts of the "Twentieth Century Series." The limits of the book have precluded anything more than a bare outline of the history of the thousand years which the author has attempted to cover, and yet within the compass of two hundred and forty pages he has packed a surprising lot of material. He has done this by omitting details and contenting himself with a series of free-hand sketches. The book will doubtless find favor with that class of teachers who are seeking the smallest possible text for class-room use. The question, however, may be fairly raised whether Mr. Munro, in seeking to bring his book within the lines prescribed by his publishers, has not passed the limits of useful condensation. Clearness and accuracy ought not to be sacrificed to brevity.

The author has justly sought to emphasize the culture side of history

and has accordingly given somewhat more than the ordinary proportionate space to the life of the people. He has also sought to lay stress upon the influence of the church and of oriental civilization in preparing barbaric Europe for its own renaissance.

The maps are good. The illustrations are of the kind used in such books and are in the main well-chosen. The pedagogical value, however, of the hideous caricatures of the human face and form which are presented by the ordinary medieval seals or effigies may be fairly questioned.

B. T.

The ninth volume of Felix Dahn's *Könige der Germanen* (Leipzig, Breitkopf und Haertel, 1902, pp. lii, 752) is devoted to the Alemanni. Seventy pages are given to their external history to the end of the ducal period, A. D. 746, and the remainder of the book to law and institutions, with the familiar classification and minuteness of the earlier volumes of the series. The treatment of formal law seems proportionately somewhat more full than usual. More than fifty pages are given to a discussion of the character and contents of the interesting code known as the *Lex Romana Rhætica Curiensis*, which Dahn agrees with Zeumer in the *Monumenta* in placing in the first half of the eighth century. The volume makes by far the most complete and detailed account of the institutions of the Alemanni now accessible in any one place. Forty pages of bibliography form a part of the introduction.

Jahrbücher des deutschen Reiches unter Otto II. und Otto III. Von Karl Uhrliz. Band I. Otto II. 973-983. (Leipzig, Duncker und Humblot, 1902, pp. xiv, 203.) The period covered by this volume was provided with a year-book as early as 1840 when Wilhelm Giesebrecht, the great authority on the history of the German Empire, published one of the *Jahrbücher* edited by Leopold Ranke. Since that time, however, so much has been discovered, edited, and published in the sources of German history that a new study of the Saxon dynasty is amply justified. The author of this book has not contented himself with a revision and amplification of the earlier work, but has given the results of an independent investigation of the reign of the second Otto.

The treatment is chronological, each year being recorded in a separate subdivision. Yet the matter is not purely annalistic in style, for the reasons and results of events are presented at the same time. The object of a year-book is not overlooked, that is, to give of the period a short current account, which at every step is based upon the documentary evidence which is minutely cited in the foot-notes. As a guide to the reign of Otto II. this work is exhaustive enough. Giesebrecht devoted but forty pages of his five volumes to this period. Richter's *Annalen*, which, true to its name, is a modern chronicle buttressed by quotations and references, concludes the matter in twenty pages. The present *Jahrbuch* contains more than 200 pages of text besides the appended essays upon difficult points.

J. M. VINCENT.

W. R. Lethaby's *London before the Conquest* (New York, The Macmillan Company, 1902, pp. xi, 217) is a useful survey of the ancient topography of London. The author gives a good account of the rivers, roads, bridges, walls, gates, wards, parishes, and churches of London, and devotes a chapter to the early government of the city. In some parts of the book he himself seems to have fallen a victim to the "involution of unfounded conjecture" which he condemns in other writers; for example, he asserts that London had a witan and craft-gilds before the Norman Conquest (pp. 159, 188), and he ascribes to King Alfred the introduction of hundreds or wards and the establishment of a dual control of bishops and reeves over the city (pp. 187, 190). In the chapter on the government of London too many conclusions regarding Anglo-Saxon institutions are based on data of the twelfth and thirteenth centuries. In his introduction Mr. Lethaby states that he aims to present his results "in the form of notes on particular points, and discussions of opinions commonly held, with little attempt at unity, and none at a pictorial treatment of the subject." The unity of his book is particularly marred by the last chapter, entitled "Londinium," which continues the consideration of certain topics, like the walls of London, treated in earlier chapters. We must also find fault with his foot-notes, in which authors are often cited without page references, and in some cases without the titles of their books (for example, Ramsay, Hudson Turner, Issac, pp. 116, 122, 153). Mr. Lethaby's work will, however, be found valuable by scholars interested in the early topography of London, for it is based on wide reading and furnishes a compact statement of the main points regarding the subject, with an intelligent discussion of the views of various writers on disputed questions. There are also many excellent illustrations of British, Roman, and Saxon remains.

CHARLES GROSS.

Documents relatifs aux Rapports du Clergé avec la Royauté. Publiés par Leon Mention. Vol. I. (1682-1705); Vol. II. (1705-1789). [Collection de textes pour servir à l'étude et à l'enseignement de l'histoire.] (Paris, Picard, 1893 and 1903, pp. v, 186; 270.) These two volumes of *Documents* are disappointing when compared with their fellows in the same series — the three volumes of Vast's *Les Grands Traités du Règne de Louis XIV.* The brilliant historical introductions which characterize the latter works are conspicuously lacking in the present volumes, and there is a paucity of historical notes which might have illuminated these relations as M. Vast has made them illumine the diplomatic relations of the *Grand Monarque*. In reading these texts one gets no idea of the bearing upon the political affairs of Europe at large of the quarrel between Louis XIV. and Innocent XI. Such information ought to have been conveyed in the form either of an historical introduction or of notes by the way. A good example of the meager editorial work of M. Mention is in Part 2 of Volume I., "L'Affaire des Franchises." Forty-four pages of documents are almost bare of explanatory notes, and the intro-

ductions are little more than bibliographical memoranda. And yet the matter of the franchises had a definite and important bearing upon the French policy on the Rhine. For the quarrel of the French King and the Pope was aggravated by the conflict over the archbishopric of Cologne, into which see Louis XIV. sought to intrude his protégé, William of Fürstenberg, bishop of Strasburg, to the prejudice of Clement of Bavaria, the candidate of Innocent XI. and of the Emperor. Moreover, Fürstenberg's episcopal rule in Strasburg influenced Catholic propaganda in Alsace, and the King's Huguenot policy.

Again, the letter of Louis XIV. to Pope Innocent XII. in 1693, revoking the declaration of the Four Articles made in 1682 (Vol. I., p. 64), had a bearing upon the peace of Ryswick. The King had resolved to avoid any negotiations looking towards a general peace, but instead to endeavor to break up the coalition by detaching some of the allies. Accordingly, in December, 1691, he sent Rébenac to Italy to negotiate the formation of a neutral league in the peninsula. Rébenac's mission was successful, save with Venice, which refused to listen to his overtures. With Rome Louis XIV. made peace, restoring Avignon to Innocent XII. and promising that the declaration of 1682 should not be taught in the schools of France as an article of faith. This agreement in turn influenced the formation of the treaty of Turin, June 29, 1696, between France and Savoy, which materially affected the attitude of the coalition to France. Yet no information of this historical nature is vouchsafed by the editor. The same criticism is less pertinent with reference to the documents in the second volume, which deal with Jansenism, the clergy and the fisc, and the suppression of the Jesuits, for these were issues of a more domestic nature and less complicated with general European politics.

JAMES WESTFALL THOMPSON.

Another contribution to the rapidly accumulating collection of works relating to that famous naval hero Paul Jones is *John Paul Jones of Naval Fame* by Charles Walter Brown. (Chicago, Donohue, 1902, pp. 271.) Mr. Brown tells in an interesting way the story of his life but contributes nothing that has not already been told. If the author had presented more details regarding the burial-place of this brilliant sea-fighter, and not disposed of the subject in such a summary way, his work might have contained an important addition to the literature of the subject, for regarding this little has been said in the published accounts of Jones.

E. F.

Recent European History 1789-1900. By George Emory Fellows. (Boston, Benjamin H. Sanborn and Company, pp. vi, 459.) This book aims to give a brief review of European history from 1789 to 1900. The author is persuaded that such a review is justified by the fact that a knowledge of the "movement toward constitutional government during the nineteenth century," which is essential for every educated

person, cannot now be acquired in any single volume in English: he hopes, therefore, that the present volume may be of service to the general reader, to students in high-schools, and to undergraduates in the first years of college. Mr. Fellows consciously limits himself in two respects; he emphasizes the constitutional side of nineteenth century history, and practically excludes from consideration all countries except England, France, Spain, Italy, Germany, and Austria. Holland, Scandinavia, Russia, and the Balkan states are barely mentioned. The omission of Russia and the Balkan states would naturally follow the emphasis placed upon the constitutional aspect of history. It is less clear why Scandinavia and Holland should not have been given more space, while the four pages devoted to Switzerland seem altogether inadequate precisely because the author is mainly concerned with constitutional history.

The book is divided into six chapters. The first two chapters relate the history of France, incidentally of Europe, from 1789 to 1815. Chapter three is entitled "From the Battle of Waterloo through the Revolutionary Period of 1848"; Chapter four, "Period of Growth of the Idea of Nationality, 1848-1870"; Chapter five, "Development of National Life, 1870-1900." The final chapter is given to the "Smaller European Nations in the Nineteenth Century"; a few pages each are given to the Balkan states, Norway and Sweden, Denmark, Holland, Belgium, Greece, Switzerland, and Portugal.

The author has succeeded in giving a plain clear narration of the history of each country under consideration. Until 1815 unity of treatment is fairly well achieved, although even here only by saying almost nothing about any country save France. But after 1815 there is little effort to treat the subject as a unit, and the method of dividing the subject all but leaves the impression that no unity of treatment is possible. One looks in vain for the briefest sentence indicating the effect of the French Revolution upon English reform. One who did not know would scarcely receive the impression that the revolution of 1848 was in any sense a European movement. The author seems unfortunate in his titles; "*Recent European History*" is misleading, to say the least; "Growth of the Idea of Nationality" carries the mind back to the fourteenth and fifteenth centuries, unless one is thinking of Germany, in which case one is tempted to rush ahead to the twentieth; the smaller European "Nations" might better have been "States."

On the whole the author has produced a passable account of nineteenth century Europe in brief space; he has shown good judgment in selection and ability in presentation. On the other hand, there is nowhere evidence of the master's hand; the book in no respect illuminates the subject it treats.

CARL BECKER.

Marie Antoinette, Königin von Frankreich und Navarra, ein fürstliches Charakterbild. Erster Teil: Die Dauphine. Von Ludwig Brunier. (Vienna and Leipzig, Wilhelm Braumüller, 1903, pp. xlii, 312.) This

biographical study hardly rises above the level of an historical romance written to exhibit in an edifying manner princely virtues, particularly those of German houses. The picture which is given of the youthful *Dauphine* is uninteresting because it is so palpably untrue. There is also much useless digression. In the long chapter on the French court in 1770 thirty pages are devoted to a minor incident of the Regency. The author has not made a critical use of his materials. For example, he cites letters of Marie Antoinette from the discredited collection of the Comte d'Hunolstein, letters the authenticity of which has been denied ever since M. le Chevalier d'Arneth in 1864 published the correspondence of Marie Antoinette and Maria Theresa. He also quotes from Marie Antoinette's letters to her sister Marie Christine, although it was long ago concluded that the sisters carried on no correspondence.

H. E. B.

An abridgment of Gurwood's *Despatches of the Duke of Wellington from 1799 to 1815* has been issued in one volume (New York, E. P. Dutton and Company; London, Grant Richards, 1902, pp. xxxi, 475), by Walter Wood. While this abridgment cannot replace the original for the special investigator, Mr. Wood, by judicious editing of Colonel Gurwood's twelve volumes, has produced a serviceable and instructive book for the student and general reader. The bulk of the volume, three hundred pages, is devoted to the Peninsula, and in the selection of matter, next to battles and casualty lists, prominence is given to points of discipline. Even in India, although its people, according to Wellington, were in matters of government the only philosophers he had ever met, if indifference is philosophy, he was concerned to curb rapacity and violence in his soldiery. In the Peninsula this difficulty was, from end to end of the military scale, far greater. Among the English soldiery not only were pillage and murder of civilians frequent: they plundered systematically the government convoys in their own charge; while English officers, until Wellington interfered, quartered their mistresses in groups upon the Portuguese gentry, and even disturbed public performances by buffoonery in the wings and on the stage of Lisbon theaters. Wellington, as is well known, was not a Pharisee, but when an officer court-martialed for participation in a brothel fight was honorably acquitted on the ground that he had endeavored to appease the brawlers, the duke felt moved to object, not indeed to the acquittal, but to an acquittal with honor. Mr. Wood deserves credit for giving of his scanty space as much, perhaps more, to these failings of the English as to the shortcomings of their allies. On the latter point the duke at times was frankness itself. To an officious don, who in 1809 ventured to urge him by letter to "drive the French through the Pyrenees," Wellington suggested that he reserve gratuitous advice while the British troops were starving for want of provisions due by the don's countrymen, upon whom, Wellington adds as a parting shot, "I cannot even prevail to bury the dead carcasses in the neighborhood, the stench of which will

destroy themselves as well as us." Equally pointed are his criticisms of the Spanish soldiery. "Their habit," he complained to Castlereagh, "of running away, and throwing off arms, accoutrements, and clothing, is fatal to everything, excepting a re-assembly of men in a state of nature, who as regularly perform the same manœuvre the next time an occasion offers."

Apparently the Iron Duke was after all not without humor, a quality which Napoleon, in spite of his jests, so lacked as to be unable, perhaps, to appreciate his own inconsistencies. It is with Napoleon that one instinctively compares this book and its subject. A selection of Wellington's despatches, it can nevertheless scarcely vie in interest with any volume of Napoleon's *Correspondance*, even as Wellington himself can scarcely vie with the other in any point save honor. Wellington was nothing if not upright. Even the reproach by Prussian historians, that he sought to monopolize credit for Waterloo, will hardly stand in the face of this passage of his despatch to Lord Bathurst on that battle: "I should not do justice to my own feelings, or to Marshal Blücher and the Prussian army, if I did not attribute the successful result of this arduous day to the cordial and timely assistance I received from them."

H. M. BOWMAN.

Louis XVIII. et les Cent-Jours à Gand. Recueil de Documents Inédits Publiés pour la Société d'Histoire Contemporaine. Par Albert Malet. Tome II. (Paris, Alphonse Picard et Fils, 1902, pp. xv, 314.) Of this work on Louis XVIII. and his exile at Ghent the first volume appeared in 1898. In its preparation M. Malet, the secretary of the Société d'Histoire Contemporaine, was associated with M. Romberg-Nisard. The latter having since died, the surviving editor in this second volume pays a warm tribute to his collaborator on the first. Comprised in the present volume, which draws exclusively upon the state archives at London, Berlin, and Vienna, are the correspondence of Sir Charles Stuart and Count Goltz, respectively English ambassador and Prussian minister at Ghent, with Castlereagh and Hardenberg, and a brief section of letters to Metternich from the Austrian representatives at The Hague. The bulk of the volume is divided equally between Stuart and Goltz, one-half of the space allotted to the former consisting of a French translation superior at times to the editing of the English original. Between these main sections of the book M. Malet himself discriminates well. The despatches of Stuart, a matter-of-fact Englishman with a bias toward mediocrity, who previously had been British minister at The Hague, are not void of information, yet are dull. Goltz, on the contrary, the Prussian minister at Paris, was a general in the Prussian service and a typical diplomat of the time: his letters both instruct and entertain. Graphic enough, even amusing, is his account of the last days before Louis's flight from his capital. France at this crisis, he remarks aptly, had ministers indeed but no ministry. The King himself, who was calm but also inert, declared that he would "die in his chair" — a

heroic vow which Goltz with reason distrusted, for the King within a week of its making fled and sat presently, an exile at Ghent, in fear and trembling lest Napoleon should publish the family correspondence which Louis in his timely haste had forgotten to destroy. The same haste prevented seasonable notice of the King's departure to the diplomatic corps. Goltz, left accordingly without passports, awaited the pleasure of Napoleon, who invited him to leave France *via* Strasburg. Not until May did he rejoin the French court at Ghent. Louis meanwhile was adding liberally to the errors for which the Bourbon name is famous. Blacas, the unpopular reactionary, was removed from office after Waterloo, but throughout the Hundred Days he, with the detested emigrés, was supreme in the counsels of the King. For them Louis offended men such as Victor and Marmont. Another trusted adviser of the King was the Duke of Orleans, who at this moment was intriguing to replace Louis on the throne. The English, on the contrary, and Pozzo di Borgo, Louis's real friends, the King slighted by issuing, against their advice, indiscreet proclamations to France. The damage thus done to his own cause Louis was unable to counteract by real assistance. To him, as to Napoleon, Paris and France were indifferent. One gentleman indeed, presumably a Gascon, by a stretch of loyalty so isolated and naïve as to seem almost ridiculous, journeyed the entire distance from the Pyrenees to join the King's standard at Alost, but the Frenchmen there assembled were too few and too disorganized to gratify the ambition of the Duchesse d'Angoulême to figure at their head as a second Joan of Arc in western and southern France. On these and similar points, particularly on the delicacy of the problem facing the Allies in the reconquest of Louis's throne, this work amplifies previous knowledge.

H. M. BOWMAN.

The Mohawk Valley. Its Legends and its History, by W. Max Reid (New York, G. P. Putnam's Sons, 1901, pp. xii, 455). Some books the historical student welcomes because they bring him new facts; others he prizes because they bring him old facts clothed in an entertaining style. Mr. W. Max Reid's book belongs to neither of these classes. The author is evidently very familiar with the valley, and has taken pains to visit the localities of which his book gives us the history, legends, archæology, or romance. Zeal for the cause has not been lacking. But although the author has delved into the probable site of an Indian fort, "unearthing a stone axe, a broken stone pestle, a few bone tools and flint implements, together with forty fragments of as many decorated vessels of Indian pottery," and although he professes to have also delved into "the early records of history, particularly the colonial and documentary history of New York," his book is far from a new contribution to the history of the Mohawk valley. Nor has the volume the merit of being well-written. Ill-arranged sentences in which one looks in vain for a verb (*e. g.*, pp. 50, 192, 229), sentences in which indeed there are verbs, but verbs singular with subjects plural (*e. g.*, pp. 2, 65),

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random quotations on random topics that bear little direct relation to the subjects of the chapters detract from the value which the book might otherwise possess. The volume is perhaps a historical scrap-book but hardly a history. A paragraph on the voyage of Cousin of Dieppe, for example, is injected into the chapter on the "Mohawks"; the chapter on the "Journal of Arent van Curler" is the entering wedge for several pages on the experiences of Brebeuf, Lalemant, Goupil, Couture, and Jogues. The account of the battle of Oriskany and of the death of General Herkimer, given in the final chapter, is followed by a description of the Mohawk valley in 1757 from the *Documentary History of New York*. The chapter on the Palatines contains a few fragmentary facts and quotations bearing on the Palatines before they settled in the valley, but almost nothing on them after their settlement in the region of the Mohawk. The conception of the Mohawk as the "Gate to India" is, perhaps, one of the most original ideas in the book. Hudson, we learn, after all discovered the northwest passage, for "with its two great railways, its Erie Canal, and the promise of a second Suez, with its millions of tons of merchandize, and myriads of tourists streaming across the continent to meet the steamers of the Pacific to Asia, the Mohawk valley may well be called the 'northwest passage,' the Gate to India." Occasionally the author wanders far from his newly-discovered "Gate"; we have, for example, in the chapter on "Some Accounts of the Notorious Butler Family" a lengthy description of the massacre of Glencoe.

The photographic reproductions in the book are excellent.

C. H. RAMMELKAMP.

Those interested in new books bearing on historical subjects who rejected without examination *The Story of the Trapper*, by Miss A. C. Laut (New York, D. Appleton and Company, 1902, pp. xv, 284), presuming it to be of like quality with its predecessors in this series, may profit by reconsidering. If one has the patience to go through no small amount of "effective" writing and Setonesque animal sentimentalism, one finds some important facts connected with the history of the fur-trading companies of the northwest. These facts serve in the *Story* as foundations for the general statements; but they are the redeeming features of the work from a historical point of view. Particulars may be gleaned here and there of the long contest between the Northwest, the American, the X Y, and the Hudson Bay companies; of feats of endurance exhibited by their hardy representatives; as well as of the tragedies that occurred at the various rendezvous. It should be said that this particular style of composition, supposed to be dramatic and vivid, and presumed to portray the higher feelings of animals, will no doubt attract the general reading public. But it is likely to annoy students because it fills space with observations which may pass for nature study, and with pseudo-scientific deductions about *musquash*, the muskrat, and *sikak*, the skunk, which it seems probable this writer is qualified to occupy with a worthy history of the fur-trade and the trading companies. The Hudson

Bay Company is given great meed of praise because it ruled for two and a half centuries with smaller loss of life in the aggregate than the railways of the United States cause in a single year. "Of how many companies may it be said that it has cared for the sick, sought the lost, fed the starving, and housed the homeless? With all its faults, that is the record of the Hudson Bay Company."

EDWIN ERLE SPARKS.

The tendency to seek subjects for doctoral dissertations in local rather than national incidents, or, rather, to examine national tendencies in local incidents, brings a study of *The Wabash Trade Route in the Development of the Old Northwest*, by Elbert J. Benton (Johns Hopkins University Studies, Baltimore, The Johns Hopkins Press, 1903, pp. 112). The material concerning the route in days when it was used by the French traders is so meager compared with the information obtainable after the construction of a canal over the larger part of the route that the present monograph might properly be entitled "A History of the Wabash and Erie Canal." The author finds the inauguration of a national improvement system in the direct appropriation to the Cumberland national turnpike in 1806. A second stage is noted in the authorization of a subscription to stock in the Chesapeake and Delaware canal. A third and distinct phase he finds in the Federal land grant to the Wabash and Erie canal in 1827. The construction of the canal was inaugurated in 1832 and a section between Fort Wayne and Huntington was opened to commerce three years later.

This was the year of the transportation expansion of the middle west, and the canal became part of Indiana's proposed ten million dollar network of public canals, railroads, and turnpikes. The author thinks the contemporary revolution in the means of transportation and the bad administrative methods were responsible for the subsequent collapse rather than the madness of the people in plunging hastily into a wild scheme. By 1853 the rejuvenated Wabash and Erie canal had been built to its terminus, Evansville, on the Ohio River, and had been extended northeastward through the state of Ohio to the Maumee River. But from the time of its completion its receipts began to decrease until 1874, when it was abandoned. By statistics the disastrous effect of the competing Wabash railroad is graphically shown. The annual receipts for the canal when the railway was begun were almost \$200,000; but twenty years later they had shrunk to \$7,000. A pathetic part of the story is told in the efforts of manufacturers, tradesmen, and farmers to maintain the canal by subscriptions to prevent their being left at the mercy of the railroad rates. The lack of deep-water communication at each end of the canal, the failure to sell the anticipated water-power along the way, as well as the demand for faster freight accommodations, proved fatal in the end.

A concluding chapter shows the influence of the canal on the commercial and social development of the northwest. The entire work seems

carefully written and from good authorities. The panic of 1837 becomes by transposition in one head-line "the panic of 1873," very familiar to the sight. The use of the word medal to designate the leaden plates buried by Celoron is not common, nor is the use of his name as "De Celoron." The monograph is likely to prove useful in any study of internal improvements or any commercial aspect of the middle northwest.

E. E. S.

The Theory and Practice of the English Government. By Thomas Francis Moran. (New York, Longmans, Green, and Company, 1903, pp. 379.) An attempt to describe the British government in a 12mo volume that contains but little over 300 pages of printed matter is necessarily subject to many limitations. This work confines itself to the organization and procedure of Parliament—including the crown, the cabinet, the House of Lords, and the House of Commons. Even in this field historical information is reduced to a minimum, there is no discussion of party organization and methods, and no mention of provisional order bills or closure. The administrative machinery, the judiciary, and the local authorities are omitted entirely. The historical features include only the most elementary facts about the succession to the crown, the development of the cabinet, the origin of the House of Lords and of the House of Commons, and the Reform Act of 1832.

In the treatment of the topics considered there is displayed a good knowledge of the standard authorities, with illustrations from recent events; and the work will be of service to those who wish a brief account of the British organs of legislation. Some exception may be taken to the discussion of a few points. A work which emphasizes practice might have mentioned force as an important factor in determining the succession to the crown. The political weakness of the crown at the present day is rather over-emphasized, as compared with the opinions of Bagehot and Sidney Lee. And the space given to proposed reforms of the House of Lords might have been used to better advantage in discussing some of the omitted topics. But in the main the book can be commended as an accurate and succinct account of the subjects discussed.

J. A. F.

COMMUNICATION

THE INTERNATIONAL CONGRESS OF HISTORICAL SCIENCES

THE historical congress inaugurated in Rome on April 2 of the present year, and concluded on April 9, had been conceived by a committee of private citizens as early as 1901, and had been definitely announced for the spring of 1902. In fact elaborate preparations had already been made and numerous subscriptions from foreign scholars had been received, some foreign delegates from America and Australia had even set out upon their way to Rome, when in January, 1902, an announcement of the indefinite postponement of the congress was issued in consequence of grave differences of opinion which had arisen between members of the executive committee. In Italy considerable mortification was felt over what some high-minded or perhaps highly irritated individuals declared to be discreditable to the nation. To-day, however, looking back over the eight days of learned sessions and of brilliant festivities that constituted the congress of 1903, Italian and foreign delegates agree that the postponement cannot be considered other than fortunate; for it gave wider publicity to the invitations issued to scholars and time for further preparations both in organization and in the publication of works undertaken in honor of the occasion.

After the dissensions of 1902 the government took up the congress, and it was under its patronage that it was carried through. Government patronage never fails to find its critics, who charge it with fettering that which it supports, but it would be difficult to say in what way the Italian government fettered the historical congress of 1903. It should be borne in mind that education in Italy is under government control, that the universities and great libraries are government institutions, and that in consequence a considerable proportion of the Italian scholars who participate in an historical congress are, in their capacity of professors and librarians, government officials. In these conditions government patronage has only advantages to offer in such an undertaking. Certainly the congress of 1903 was organized on the broadest lines and with the fullest tolerance of opinion. The foreign delegates present numbered over 300 and the total membership of the congress reached 1,500. The liberal discount of 60 per cent. granted by the government upon railway fares within the borders of Italy greatly facilitated attendance and doubtless induced many scholars to take this opportunity of visiting the Eternal City. Of the 300 foreigners present the greater number were Germans, although England and France were also liberally represented. From the United States the Italian scholar and historian William Roscoe Thayer represented both the government, as delegate of the American

Historical Association, and Harvard University. No other American official delegates were enrolled, in fact no other Americans were present excepting three or four residents of Rome who took no active part in the congress. This fact is significant as marking the almost complete lack of intellectual intercourse between Italian and American scholars to-day, and the unmistakable lack of interest in Italian studies prevailing in the United States. In Italy, as in America and elsewhere, German thought and German methods of scientific research exercise an enormous influence, but Italian scholarship is far from servile, and, it should be unnecessary to add, the results of its researches carried on in the fields of medieval and modern history, as well as in archæology, science, and art, are of primary importance. German scholars are the first to recognize and utilize the fruits of Italian studies; Americans are too frequently content to receive them at second-hand through German channels, perhaps disguised under the German mark. With such conditions existing, it is to be regretted that the recent congress at Rome has proved a valuable opportunity neglected—excepting the earnest work of Mr. Thayer—for widening the too narrow existing channels of direct communication between scholarship of Italy and that of the United States.

The distinguished historian and publicist Senator Pasquale Villari served as President of the Congress, which was largely organized by his former pupil Professor Giacomo Gorrini, director of the archives of state of the ministry of foreign affairs, who was general secretary of the executive committee. The ministries of public instruction and of foreign affairs in 1901 together appropriated \$2,400 for the expenses of the congress. The remaining expenses were met by the enrolment fee of \$2.40 paid by each member. But if the acts of the congress are to be published as announced, it is probable that the ministries will have to make some further appropriation. The King and Queen of Italy honored the inauguration in Campidoglio with their presence, and later gave a dinner at the Quirinal to 140 of the more prominent delegates, including those who represented foreign governments. The municipality gave an elaborate reception at the Capitoline Museums, and the Minister of Public Instruction gave another reception on the Palatine. Professor Domenico Gnoli, the cultured head of the National Library “Vittorio Emanuele,” prepared and opened to the congress a splendid exhibition of maps and engravings of Rome in all ages, collected during a long term of years and including Professor Lanciani’s colossal map, *Forma Urbis Romæ*, here mounted for the first time. The Royal Academy of S. Cecilia gave an interesting choral concert in the Theatre Argentina illustrating the development of three centuries of Italian sacred music from Palestrina to Rossini. Altogether the entertainment and hospitality offered to the members of the congress was hearty and of a high order.

The congress was divided into eight sections as follows: I. Classical and Comparative Philology; II. Medieval and Modern History; III. History of Literature; IV. Archæology, Numismatics, History of Art, History of Music and the Drama; V. History of Law and of Economic

and Social Sciences ; VI. History of Geography and Historical Geography; VII. History of Philosophy and of Religion ; VIII. History of Mathematical, Physical, and Natural Sciences and of Medicine. The sections met separately, some of them further divided into groups, and held daily sessions, nominally from 9 till 12 in the morning and from 3 till 6 in the afternoon. At the preliminary meetings the Minister of Public Instruction, the Minister of Foreign Affairs, the Syndic of Rome, and Theodore Mommsen were elected honorary presidents ; Adolf Harnack (Berlin), Paul Meyer (Paris), James Bryce (London), Basile Modestov (St. Petersburg), and Ludwig Pastor (Vienna) vice-presidents.

At the inauguration at Campidoglio on April 2 addresses were delivered by the Syndic of Rome, the Minister of Public Instruction, Senator Villari, and Professor Fredericq (University of Ghent). The address of Villari was an excellent sketch of the development of history in Italy in the nineteenth century, and will be printed in full in the *Nuova Antologia* of May 1.

In the regular sessions which followed, among the better-known scholars not already named who participated were: from England, Frederick Pollock, Frederic Harrison, John Mahaffy, Sir Alfred Lyall, and Oscar Browning ; from France, G. Monod, Maxime Collignon, Paul Sabatier, and G. Bonet-Maury ; from Germany, Ludwig Stein, Otto Harnack, Harry Bresslau, Otto Gierke, and Franz Buecheler ; from Italy, Alessandro d'Ancona, Domenico Comparetti, Benedetto Croce, Adolfo Venturi, Giovanni Monticolo, and Guido Mazzoni. Prominent also were Professors Petersen and Hülsen, Professor Ludwig Pastor, and Abbé Duchesne, the distinguished heads of the German, Austrian, and French historical schools in Rome, highly esteemed by Italian scholars for their earnest and thorough work, and by reason of their official positions the natural centers about which their respective countrymen at the congress could group themselves. Russia, Austria, Spain, Belgium, Holland, Switzerland, Denmark, several South American republics, and other countries were also represented by one or more delegates. The papers read related to a great variety of subjects, a few to subjects of too secondary and minute a character to be appropriate for a congress, but the greater number of interest, and some of the first importance. The greater proportion were delivered in Italian, but several also in French, German, English, and Latin. Of most general interest to foreigners were, perhaps, those by Professor Boni, who has charge of the excavations of the Roman Forum and of the reconstruction of the campanile of St. Marks in Venice. Numerous votes of recommendation were passed by the different sections, relating especially to coöperative bibliographical undertakings, to the publication of manuscripts, and one of special importance to the desirability of uniform legislation in different countries providing for the opening of state archives for the study of contemporary history. With reference to bibliographical works it should be said that several important indexes of Italian historical reviews and of the publications of Italian historical societies were prepared especially for

the congress, and many copies were distributed gratis to the delegates. The most animated discussion upon the votes of recommendation was that relating to the entire republication of Muratori's *Rerum Italicarum Scriptores*, undertaken recently by the courageous publisher Scipione Lapi, of Città di Castello, directed by the able scholar Vittorio Fiorini, and containing a brief preface by Carducci. The minister of public instruction has subsidized the work with a gift of \$400 for each of the volumes, of which several have already been published. The work is beautifully printed, and is edited by many of the best scholars in Italy. The publisher wished a vote of encouragement, but this was opposed by members of the Istituto Storico Italiano, which also receives a subsidy from the government for similar publications. The Istituto men declared that Lapi's edition would duplicate in some of its volumes works already undertaken by the Istituto, and for some of which it possessed indispensable manuscripts. An amusing feature of the animated discussion which was raised was the fact that Professor Fredericq, who is described as "having presided with singular ability," did not understand a word that was said. The discussion closed with a simple vote of "commendation for republications of Muratori."

For a summary of the proceedings of the congress in its different sections the historian may be referred to the *Rivista d'Italia* for March-April, and to a more extended article in a number of the *Archivio Storico Italiano* which has not yet been published.

HARRY NELSON GAY.

NOTES AND NEWS

M. Julius Vuylsteke, Flemish litterateur and historian, known especially by his contributions to the history of the Artevelde and the city of Ghent, died January 16, at the age of sixty-six. Announcement has been made also of the death of M. G. A. Lefèvre-Pontalis, among whose many works will possibly be recalled most readily *Vingt Années de République Parlementaire au XVII^e Siècle: Jean de Witt, Grand Pensionnaire de Hollande* (1884).

The trustees of the Carnegie Institution have decided to establish at Washington a Bureau of Historical Research. After the first of October next, it is to be under the charge of Professor Andrew C. McLaughlin. The aims and purposes of the bureau are numerous; but it may be said briefly that it is established with the expectation that it will be of service to investigators of American history, especially to those desiring to make use of the archives at Washington. Professor McLaughlin is to continue as managing editor of the REVIEW. After October 1 all communications to the REVIEW should be addressed to the editor in care of the Carnegie Institution, Washington, D. C.

All serious students of history will be interested in the lecture with which Professor Bury began his duties at Cambridge: *An Inaugural Lecture* (New York, The Macmillan Company).

Professor Ernst Bernheim has just brought out the long-expected new edition of his *Lehrbuch*. It makes now a volume of nearly eight hundred pages, with the title *Lehrbuch der historischen Methode und der Geschichtsphilosophie mit Nachweis der wichtigsten Quellen und Hilfsmittel zum Studium der Geschichte*.

Dr. W. Rosenau has described in a recent volume Jewish ceremonial institutions and customs, using as illustrations plates which reproduce objects of the Sonneborn collection at Johns Hopkins University: *Jewish Ceremonial Institutions and Customs* (Baltimore, Friedenwald Co.).

The first number of a new periodical for social and economic history has appeared at Leipzig: *Vierteljahrschrift für Social- und Wirtschaftsgeschichte* (C. L. Hirschfeld, four times yearly, at 20 marks). It may be considered as succeeding the *Zeitschrift für Social- und Wirtschaftsgeschichte*. The editors are Professors Bauer of Basel, Hartmann of Vienna, and Von Below of Tübingen. It will deal with economic history down to about 1848, and will comprise articles and reviews; the articles to be published in German, English, French, or Italian. The chief articles in the first number are: H. Pirenne, "Les Dénombrements de la Population d'Ypres au XV^e Siècle (1412-1506)"; G. Schönfeldt, "Lohn- und Preisverhältnisse in Hann. Münden zu Anfang

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des 15. Jahrhunderts"; "Le Colonizzazioni in Sicilia nei Secoli XVI^o XVII (Contributo alla Storia della Proprietà)"; S. Bauer, "Die geschichtliche Motive des internationalen Arbeiterschutzes."

The *Archiv für Kulturgeschichte*, edited by Dr. Georg Steinhausen, issued its first number in January (Berlin, A. Duncker, four times yearly, at 12 marks); it succeeds the *Zeitschrift für Kulturgeschichte*. It contains articles, reviews, notes, and bibliographical indications. Among the articles in the first number we note "Die Wette," by Richard M. Meyer, and "Die Entstehung der neuuropäischen Formen des Lebens," by K. Breysig; in the second number, "Die Anfänge des Handwerks in Lübeck," by J. Höhler; and in each of these numbers, an instalment of "Selbstbiographie des Stadtpfarrers Wolfgang Ammon († 1634) von Marktbreit," contributed by Fr. Hüttner.

The *Revue des Questions Historiques* has appreciably increased its usefulness by extending its journal department. In addition to the usual analyses of articles in French periodicals, by M. Albert Isnard, the April number contains similar analyses for the periodicals of other countries: American and English, by F. Cabrol, Italian by P. Allard, Belgian by C. Callewaert.

The *Revue de Synthèse Historique* for February contains a criticism of some recent works by MM. Lacombe and Seignobos: "Méthode Historique et Science Sociale," by F. Simiand. Also, we note among other recent articles in this review: "Contribution à l'Histoire de la Méthode Historique," by G. Gentile; "De l'Influence Sociale des Principes Cartésiens. Un Précurseur Inconnu du Féminisme et de la Révolution: Poulin de la Barre," by H. Pieron (October and December); "Les Études Relatives à la Théorie de l'Histoire, en Italie, durant les Quinze Dernières Années," by B. Croce (December); "L'Appropriation Privée du Sol, Essai de Synthèse," by P. Lacombe (February); and "La Place de Spinoza dans l'Histoire des Doctrines Philosophiques," by N. Kostyleff (February). Also, the editor of this journal, M. Henri Berr, has begun the publication of an annual "Répertoire Méthodique pour la Synthèse Historique," to be distributed gratis to subscribers to the *Revue*. The first issue applies to the year 1901, and classifies its titles under the rubrics of theory and methodology in general, theories, history of history, and teaching of history. It may be added that M. Berr expects to publish soon the first volume of an *Introduction à la Synthèse Historique*.

The house of Welter, Paris, announces for early publication a complete *Bibliographie* of the doctoral theses sustained before the faculties of letters in France from 1810 to 1903, including that of Strasburg to 1870. It is to be alphabetically arranged, and provided with a detailed index. However, a book of this character and scope has just been issued by MM. Picard et Fils: *Répertoire Alphabétique des Thèses de Doctorat ès Lettres des Universités Françaises, 1810-1900*, by Albert Maire.

ANCIENT HISTORY.

A specially noteworthy article in the thirty-third fascicle of the *Dictionnaire des Antiquités Grecques et Romaines* (Hachette) is that under the words "mercator, mercatura," being a history of Greek and Roman commerce, by MM. Huvelin, Cagnat, and Besnier.

The second volume of the *University of Missouri Studies* opens with a number on "Ithaca or Leucas," in which Professor W. G. Manly discusses, from the literary and topographical evidence, the question of the location of Homeric Ithaca, considering especially the comparative claims of Leucas and Ithaca. He concludes in favor of Ithaca, in harmony with the traditional view.

Noteworthy articles in periodicals: A. Fairbanks, *Aristophanes as a Student of Society* (American Journal of Sociology, March); P. Allard, *L'Incendie de Rome et les Premiers Chrétiens* (Revue des Questions Historiques, April).

MEDIEVAL HISTORY.

Students of medieval history will find the latest annual report of the progress of the "Monumenta Germaniae Historica" in the *Sitzungsberichte* of the Royal Prussian Academy for May 7. The work in hand is of much interest but too extensive to describe here. Among the publications of the past year we note especially an edition, by H. Bresslau, of the real "Vita Bennonis II. episcopi Osnabrugensis auct. Nortberto abbate Ibürgensi," and Section I., Vol. I., of the "Leges Visigothorum," edited by K. Zeumer.

M. A. Luchaire has lately published two articles which appear to be instalments of a considerable work upon Pope Innocent III.: "L'Avènement d'Innocent III.," in the last December *Compte-Rendu* of the Academy of Moral and Political Sciences; and "Innocent III. et le Peuple Romain," in the *Revue Historique* for March and April.

Noteworthy articles in periodicals: L. Schmidt, *Die Ursachen der Völkerwanderung* (Neue Jahrbücher für das klassische Altertum, etc., May); E. Vacandard, *Saint Victrice Évêque de Rouen (IV^e-V^e Siècles)* (Revue des Questions Historiques, April); W. Köhler, *Emperor Frederick II., the Hohenstaufe* (American Journal of Theology, April); G. de Lesquen and G. Mollat, *Mesures Fiscales exercées en Bretagne par les Papes d'Avignon à l'Époque du Grand Schisme d'Occident* (Annales de Bretagne, beginning in January).

MODERN HISTORY.

Mr. A. F. Pollard's *Thomas Cranmer (1489-1556)*, in the "Heroes of the Reformation," has just been issued. This leaves but one more volume to complete this series — Professor Williston Walker's *Calvin* (New York, Putnam).

From the report made by Professor von Zwiedenek, of Graz, at the seventh German Historikertag in April, it appears that the first instalment of the Vienna Academy's edition of the correspondence of the

Emperor Charles V. is now being prepared for the press. It will concern the years 1519 to 1531, and include his correspondence with Ferdinand, Margaret, and Mary of Hungary.

The current number of the *Revue Historique* (May-June) contains especially articles upon the history of the second half of the eighteenth and the early nineteenth century: further instalments of A. Bourguet's "Le Duc de Choiseul et la Hollande" and "Ch. E. Oelsner. Fragments de ses Mémoires Relatifs à l'Histoire de la Révolution Française"; and a translation of an article by A. Fournier which appeared in the *Deutsche Rundschau* for last September, "Marie-Louise et la Chute de Napoléon. Contribution à la Biographie de Marie-Louise."

The Oxford University Press announces for early publication a volume on *Napoleonic Statesmanship—Germany and France*, by H. A. L. Fisher. Nearly ready also is the second volume of Mr. Oman's *History of the Peninsular War*, which comes down through the battle of Talavera.

In the review of Ostrogorski's *Democracy and the Organization of Political Parties*, in our last number, it was stated that the French edition was not likely to appear at an early date. Contrary to expectation, it actually appeared between the time of the writing and publication of the review. The French edition was published by Messrs. Calman, Levy, et Cie., Paris.

"The Nineteenth Century" series has lately received two notable additions: *Economic and Industrial Progress*, by H. de B. Gibbins, and *Progress of the United States of America*, by W. P. Trent.

Noteworthy articles in periodicals: William Miller, *The Ionian Islands under Venetian Rule* (English Historical Review, April); M. A. Tucker, *Gian Matteo Giberti*, Part II. (English Historical Review, April); J. H. Rose, *France and the First Coalition before the Campaign of 1796* (English Historical Review, April); F. Salomon, *England und der Deutsche Fürstenbund von 1785* (Historische Vierteljahrschrift, April); General Trochu, *Notes sur la Guerre de Crimée*, I. (Revue de Paris, May 15); E. Ollivier, *Sadowa* (Revue des Deux Mondes, May 1), and *La Politique Française après Sadowa* (Ibid., May 15).

GREAT BRITAIN.

A project is on foot to reconstruct the old Pipe Roll Society and continue its work on lines strictly in accord with its original purpose. This society was organized in 1883, and in 1900, when its operations were suspended, it had published twenty-four volumes, of which seventeen volumes represented the reproduction in record type of the Pipe Rolls of the fifth to the twenty-first year of the reign of Henry II., while eight volumes were devoted principally to other documents prior to the year 1200. It is now proposed, if the society can be revived, to confine its operations to the publication of the Pipe Rolls from 22 Henry II. to 2 John—except 1 Richard I., which has been printed by the Record Commission—; to abandon record type and arrange in other

ways for economy ; and at the same time make all proper provision for satisfactory results. It is estimated that with a membership of two hundred and fifty the society would be able to issue two volumes yearly, of two hundred and fifty pages each. Approvals of this project, with indication of willingness to subscribe one guinea per annum, may be sent to W. Farrer, Leyburn, R. S. O., Yorks.

Mr. John Murray, London, has lately brought out *The Arts in Early England*, by Professor Baldwin Brown, in two volumes ; the first dealing with the life of Saxon England in its relation to the arts, the second treating of ecclesiastical architecture in England from the conversion of the Saxons to the Norman Conquest.

Recent months have witnessed the appearance of several especially important volumes of original material concerning two different parts of the British empire : *Accounts of the Lord High Treasurer of Scotland*.— Vol. IV., 1507–1573, edited by Sir James Balfour Paul (Edinburgh, His Majesty's General Register House), and *The Indian Mutiny : Selections from State Papers Preserved in the Military Department*.— Vols. II. and III., *Lucknow and Cawnpore*, edited by G. W. Forrest. The first volume was published some seven years ago (Calcutta, Military Department Press).

A limited de luxe edition, in twelve volumes, of the Hakluyt collection of *The Principal Navigators, Voyages, Traffiques and Discoveries of the English Nation*, is to be published in this country by The Macmillan Company. The question between the English publishers and the Hakluyt Society in regard to the inclusion of certain fresh material having been amicably arranged, this edition will be complete.

Some twenty-six narratives of voyages and travels, mainly of Elizabethan Englishmen, which have hitherto been consulted in "Arber's Garner," have been printed separately, in two volumes, with introduction by C. Raymond Beazley : *Voyages and Travels, mainly during the Sixteenth and Seventeenth Centuries* (London, Constable). This publication forms part of "An English Garner. Ingatherings from our History and Literature, the Original Impression of which is out of Print." Other parts of it recently published include *Tudor Tracts* and *Stuart Tracts*, with introductions respectively by A. F. Pollard and C. H. Firth.

Sir Reginald F. D. Palgrave has lately written a small volume on the royalist insurrection against the Protector's government in 1655 ; a relation of the part taken therein by the Protector, of the way in which his subjects regarded him and the insurrection, and of the causes and consequences thereof : *Oliver Cromwell*, etc. (London, Low).

Mr. Andrew Lang's Goupil monograph on *Prince Charles Edward Stuart, the Young Chevalier*, has been reproduced in a moderate-priced edition, and with numerous revisions (Longmans).

Among recent biographies are two that treat of prominent churchmen who have died recently : *Archbishop Temple*, by C. H. Dant (London, Walter Scott Publishing Co.) ; and *Life and Letters of Brooke*

Foss Westcott, sometime Bishop of Durham, by his son, Arthur Westcott. Also, Mr. J. R. Marriott has written a book upon George Canning which he would be glad to have the reader consider less as a biography than as an appreciation of Canning's policy, particularly his foreign policy: *George Canning and his Times: a Political Study* (London, Murray).

Noteworthy articles in periodicals: T. F. Tout, *The Fair of Lincoln and the "Histoire de Guillaume le Maréchal"* (English Historical Review, April); P. Thureau-Dangin, *Une Page de l'Histoire de l'Anglicanisme.—Les Débuts du Broad Church (1845-1865)* (Revue des Deux Mondes, May 1).

FRANCE.

The Lavis *Histoire de France* is now complete to near the middle of the sixteenth century, save the first volume, which still lacks the general historical introduction to be written by M. Lavis. The latest fascicles published contain a noteworthy "Tableau de la Géographie de la France," by M. Vidal de la Blache, and the first half of the second volume: "Le Christianisme, les Barbares.—Mérovingiens et Carolingiens," by MM. C. Bayet, C. Pfister, and A. Kleinclausz (Paris, Hachette).

A volume on *Mazarin*, by A. Hassall, has been added to the "Foreign Statesmen" series. In general, it takes a favorable view of Mazarin, setting forth that the debt of France to him is immense (Macmillan).

It is proposed to undertake an organized and exhaustive study of Rabelais and his work, and if possible publish eventually a national edition of his *Œuvres Complètes*. With this in view a committee headed by M. Abel Lefranc have lately been forming at Paris a "Société d'Études Rabelaisiennes." Prominent in their programme is the publication of a *Bulletin*, devoted to Rabelais and his time and to appear four times a year.

The February number of the *Revue de Synthèse Historique* contains a general survey of work done so far on the first Napoleon, by M. Charles Dufayard. Other such surveys in recent numbers relate mainly to the economic history of medieval France — M. Boissonnade has an article in the October number on the industrial classes in the middle ages, and one in the December number on commerce and the commercial classes in the same period — and to France in the sixteenth century. This field is treated by M. Henri Hauser in the October number.

The first of the four volumes promised by M. Hanotaux on *L'Histoire de la France Contemporaine* has lately appeared (Paris, Combet). It treats of the Thiers government: *Le Gouvernement de M. Thiers*. There is also an English translation of this work appearing, through Messrs. Putnam.

The house of C. Poussielgue, Paris, has undertaken a collection to be entitled *La France Monastique*, which will comprise new editions of rare works by the Benedictines of the seventeenth and eighteenth centuries,

hitherto unpublished documents, and studies in fields of monastic history not yet explored. Among the works announced for early publication in the first series are Bulteau's "Abrégé de l'Histoire de l'Ordre de Saint-Benoît," and Beaunier's "Recueil Historique, Chronologique et Topographique des Archevêches, Evêches, Abbayes et Prieurés de France." In the third series such subjects as monastic property, the Order of Cluny, and the Order of Cîteaux will be treated. An annual payment of twenty-five francs will entitle the subscriber to three octavo volumes yearly, and the work will be distributed only to subscribers.

M. G. Dupont-Ferrier announces, among other by-products of his recent monumental work upon monarchical institutions in France at the end of the middle ages, a book which will be indispensable to students of early modern French history: *Almanach Royal des Officiers de Baillasses et Sénéchaussées*. It will appear in the "Collection des Documents Inédits."

The *Compte-Rendu* of the Academy of Moral and Political Sciences published in its last November number the bibliography which should have appeared at the head of the new edition of M. Levasseur's *Histoire des Classes Ouvrières*: "Les Sources Principales de l'Histoire des Classes Ouvrières et de l'Industrie en France."

Those who contemplate working upon the literary history of France will be interested in a paper by M. G. Lanson read to the Société d'Histoire Moderne in February, and since published in the April number of the *Revue d'Histoire Moderne et Contemporaine*: "Programme d'Études sur l'Histoire Provinciale de la Vie Littéraire en France."

A bibliographical review of interest to students of history as to those of other subjects has been undertaken by the house of Schleicher Frères et Cie in Paris: *Revue Générale de Bibliographie Française*. By its programme it will appear every two months, will contain a considerable number of reviews, and in addition a full and methodically arranged list of current publications in French, and will cost outside of France seven francs. In its reviews it will aim especially to redeem criticism of new books from the slough of advertising into which such work seems very generally to have fallen nowadays.

Noteworthy articles in periodicals: V.-L. Bourrilly, *Le Règne de François I^{er}. État des Travaux et Questions à Traiter*. I. (*Revue d'Histoire Moderne et Contemporaine*, May); H. Hauser, *Le Colbertisme avant Colbert et la Liberté du Travail sous Henri IV. Lyon et Tours (1596-1601)* (*Revue Bourguignonne Publiée par l'Université de Dijon*, for 1903, No. 1); P. de Ségur, *Le Procès de Sorcellerie du Maréchal de Luxembourg (1680)*.—I. *L'Arrestation* (*Revue des Deux Mondes*, May 15); E. Babut, *Une Journée au District des Cordeliers, le 22 janvier, 1790* (*Revue Historique*, March); M. Marion, *Les États de Bretagne sous Louis XVI.* (*Revue Historique*, March); A. de Ganniers, *Napoléon Chef d'Armée, Sa Formation Intellectuelle, — Son Apogée, — Son Déclin* (*Revue des Questions Historiques*, April); Armand Rébellion, *Re-*

cherches sur les Anciennes Corporations Ouvrières et Marchandes de la Ville de Rennes (Annales de Bretagne, beginning in November); J.-J. Marquet de Vasselot, *L'Histoire des Arts Industriels en France du XVI^e au XIX^e Siècle* (Révue d'Histoire Moderne et Contemporaine, March).

ITALY, SPAIN.

Plans are on foot at Arezzo for the celebration there, July 20, 1904, of the six hundredth anniversary of the birth of Petrarch. Persons interested should communicate with G. Duranti, Arezzo. It is planned to devote part of the money that may be collected to subsidizing critical editions of the works of Petrarch or to preparatory studies for a critical edition of all of Petrarch's works.

Messrs. Appleton announce for publication in the fall an English translation of Gregorovius's study of Lucrezia Borgia.

The Venetian Republic by Horatio Brown (London, J. M. Dent and Company, 1902) in the "Temple Primer Series" covers in outline in the course of 211 small pages the course of Venetian history from its earliest beginnings to the end, when after an existence of over 1,000 years it disappeared from history.

Spanish publications for 1899-1900 that relate to Spanish history are reviewed by R. Altamira in the current number of the *Revue Historique*. Also, a survey of publications relating to the general history of Spain in the modern period is given in the December number of the *Revue de Synthèse Historique*, by H. Léonardon.

GERMANY, SWITZERLAND.

The Société d'Histoire et d'Archéologie de Genève has devoted the sixth livraison of the current volume (Tome II.) of its *Bulletin* to a "Liste des Publications Relatives aux Sciences Historiques" made by its members between 1890 and 1900. It reflects the vigor of the society — there are some seventy-five pages — and will no doubt prove convenient to many students not among its members.

Apropos of commemorating the tercentenary of the Escalade Professor Charles Borgeaud, of the University of Geneva, contributed to the *Journal de Genève* of December 12, 1902, an article, afterward reprinted, entitled "Un Document Inédit de l'Époque de l'Escalade." In it he gives a French translation of the letter of Beza and the pastors of the Genevan church to Queen Elizabeth, recently discovered in the Public Record Office; calls attention to the generous financial response from England and Scotland (7,000 écus); and brings out the importance of the recently discovered share of King Philip III. of Spain in the almost miraculous escape of Geneva from the midnight attack of the Duke of Savoy. In this connection may be noted a considerable study, by Louis Dufour-Vernes, on "Les Défenseurs de Genève à l'Escalade," constituting the first livraison of the eighth volume (Nouvelle Série) of the *Mémoires et Documents Publiés par la Société d'Histoire et d'Archéologie de Genève*.

A survey of German publications during the year 1901 relating to modern and contemporary German history is given in the *Revue Historique* for May and June, by M. Philippson.

It is announced that the letters and telegrams addressed by Bismarck to his wife during the Franco-Prussian war have been discovered; that the greater part of them will appear first in the German family journal *Die Gartenlaube*; and that eventually all of them—between seventy and eighty in all—will be published by Cotta in Stuttgart. It is said that they furnish little matter bearing directly on public affairs.

Noteworthy articles in periodicals: B. Hilliger, *Der Schilling der Volksrechte und das Wergeld* (Historische Vierteljahrschrift, April); E. Mareks, *Albrecht von Roon. Seine Persönlichkeit und seine geschichtliche Stellung* (Deutsche Rundschau, May); R. Ehrenberg, *Entstehung und Bedeutung grosser Vermögen. Das Haus Parisch in Hamburg* (Deutsche Rundschau, April, May, June); A. Poisson, *La Politique Douanière de l'Empire Allemand. Le Prince de Bismarck*, I. (Annales des Sciences Politiques, May).

BELGIUM, HOLLAND.

The Bollandist Father J. Van den Gheyn, of the Royal Library at Brussels, announces that he will soon begin the publication of a *Revue des Bibliothèques et des Archives de Belgique*.

Mr. W. E. Griffis has written a *Young People's History of Holland*, an attractive volume, well written, and filled with good illustrations which are likely to interest and help the young reader (Boston, Houghton, 1903, pp. xiv, 322).

AMERICA.

As representatives of the Carnegie Institution, Dr. C. H. Van Tyne and Mr. W. G. Leland are preparing a guide to the archives of the government of the United States at Washington. When the investigation is finished, the guide, it is expected, will be printed by the Carnegie Institution. Nothing more than a general description of the sundry collections of historical material and administrative records of the government will now be attempted. All collections of archives, not only those of the executive departments but also those of the judicial and legislative branches of the government will be described in at least broad and general terms and after personal inspection. In a few cases, where the documents are of especial interest, and where definite information can be given, a somewhat more detailed statement will be prepared. The study is intended to be only preliminary, but of such a character as to be of immediate value and of interest to investigators.

Messrs. Appleton expect to issue in the fall the sixth volume of McMaster's *History of the American People*. It will include a special study of President Jackson.

The Library of Congress is publishing, under the editorship of Dr. Charles Henry Lincoln, a calendar of Paul Jones manuscripts in the library—part of the Peter Force Collection. There are 883 entries, making an octavo volume of over three hundred pages.

The January, 1903, number of *Historical Records and Studies* published by the United States Catholic Historical Society contains a number of articles of considerable interest: "The First Map Bearing the Name America," by C. G. Herbermann; "The Globe of Pope Marcellus II.," by B. F. De Costa; "A Year with the Army of the Potomac: Diary of the Reverend Father Tissot"; "Monsignor Bedini's Visit to the United States," with extracts from the official correspondence throwing light on the purpose of that visit, contributed by Peter Condon; "Constitutional Freedom of Religion and the Revivals of Religious Intolerance," a continuation of a previous article on this subject, this one treating of laws concerning religion and of anti-Catholic sentiment in the United States in the sixty or seventy years before the establishment of the Know-nothing party.

The chief features of the latest issue of *Americana Germanica* (Vol. IV., Nos. 3 and 4) are: "Dr. Karl Follen. Ein Lebensbild aus aufgeregten Zeiten in zwei Welttheilen," by H. A. Rattermann; "Three Swabian Journalists and the American Revolution. II. Ludwig Wekhrin," by John A. Waltz; and "Studies in Pennsylvania German Family Names," by Oscar Kuhns, — an article of considerable interest for the general subject of the development of modern names of persons.

A noteworthy addition to published sources on the American Revolution is running in the *German American Annals*, beginning with the January number: "Waldeck's Diary of the Revolution (1776 to 1780)." The same periodical contains also, in the March and April numbers, an important study relative to our industrial history in the early Federal period: "Industries of Pennsylvania after the Adoption of the Federal Constitution, with Special Reference to Lancaster and York Counties," by G. D. Luetscher. To be noted also: "An Old German Midwife's Record (1791 to 1815)" (concluded in the March number); and the continuation from the *Americana Germanica* of Waltz's "Three Swabian Journalists and the American Revolution."

In *Sally Wister's Journal*, edited by Albert Cook Myers (Ferris and Leach, 1902, pp. 224) will be found interesting and amusing material for the student of the social aspects of the Revolution. It is the narrative of a Quaker maiden's experiences with officers of the Continental army in 1777 and 1778, and will probably prove more valuable for the historical novelist than for the historical investigator. Much of it reads like chapters of the late Revolutionary romances, except that these pages are more vivid and the scenes more natural.

Dr. S. Weir Mitchell contributes to the April number of *The Pennsylvania Magazine of History and Biography*, "Historical Notes of Dr. Benjamin Rush, 1777," the most important portion of which appears to be an exceedingly clever characterization and classification of the Americans of those troublesome days that tried men's souls. This number also contains "Some Letters of Franklin's Correspondents," "Losses of the Military and Naval Forces Engaged in the War of the American

Revolution," and "Thomas Janney, Provincial Councillor," by Miles White, Jr.

Prominent among recent contributions to the history of the loyalists is *The Confiscation of John Chandler's Estate*, in which Andrew McFarland Davis treats of the misfortunes which befell Colonel John Chandler of Worcester in 1774 (Houghton, Mifflin, and Company).

The Aaron Burr Conspiracy, by W. F. McCaleb, has just been published (Dodd, Mead, and Company, 1903). It is based largely on new and hitherto unused sources. A résumé of the conclusions cannot here be given, but it may be said that they differ in many particulars from the interpretations of the conspiracy as given in Henry Adams's *History of the United States*.

Messrs. Callaghan and Company, of Chicago, have lately published *John Marshall*: his life, character and judicial services as portrayed in the centenary and memorial addresses and proceedings throughout the United States on Marshall Day, 1901, and in the classic orations of Binney, Story, Phelps, Waite, and Rawle.

The annual volume of the Niagara Historical Society for 1902 has just been published. It contains contemporary narratives of the War of 1812-1814 by Captain Merritt, Colonel Welham Claus, Lieutenant-Colonel Elliott, and Captain Jacob Norton, all of which have been edited by Lieutenant-Colonel Cruikshank.

Lieutenant-Colonel Cruikshank continues his *Documentary History of Campaigns upon the Niagara Frontier*, which he has prepared for the Lundy's Lane Historical Society. This volume (marked on the cover Part V. and on the title-page Part I., 1813) contains material on the latter part of 1812 and the first six months of 1813. The records are collected from many different sources, from the Canadian archives, *American State Papers*, files of newspapers, and letters in private hands. It is unfortunate that Colonel Cruikshank is called on to regret the impossibility of obtaining access to the war and navy records of the United States government.

We have seen the announcement of the publication of a *History of the Negotiations for the Treaty of Peace at Ghent*, purporting to contain the suppressed official discussions at Ghent in 1814 on the North American fisheries, independent territory, the northwest boundary, Canadian boundaries and fisheries, etc., with notes by R. S. Guernsey (published by the author, 56 Pine Street, New York).

Mr. Woodbury Blair, Mr. Gist Blair, Mr. Montgomery Blair, and Mrs. Stephen O. Richey have lately made to the Library of Congress a gift of unusual importance, the large collection of papers of Andrew Jackson which they received from their father, Montgomery Blair, Postmaster-General in Lincoln's cabinet. These papers comprise thousands of pieces, notably letters, muster rolls, military reports, and memoranda of speeches. They begin before 1800 and extend to the time of Jack-

son's death in 1845. They will not be accessible for some time, since they have to be gone over in detail and properly prepared for use.

The *Speeches and Writings of Daniel Webster* have been published by Little, Brown, and Company in eighteen volumes. The set includes, according to publishers' statement, not only the material heretofore published and edited by Edward Everett, but many letters, papers, and speeches not hitherto printed.

The list of "true" books has been increased of late by *The True Abraham Lincoln*, by William E. Curtis, who has before written similarly on Jefferson (Philadelphia, Lippincott).

Colonel T. W. Higginson's life of Longfellow in the "American Men of Letters" series is chiefly interesting to students of literature. It contains very little reference to public affairs or social movement (Boston, Houghton, Mifflin, and Company, 1902, pp. vi, 336).

Mr. Fred Lewis Pattee has edited for the Princeton Historical Association *The Poems of Philip Freneau*. The first volume, which has now appeared, contains a sketch of Freneau's life and an appreciation of his work. His activity as editor of the *National Gazette*, his relations with Jefferson, and his enthusiasm for French principles under the influence of what the editor calls the "wine of French Republicanism" are treated in an interesting way. Mr. Pattee believes that the reason for Freneau's having passed into the shadow of neglect is not due to lack of real worth in the man, but to prejudices born during the bitter and stormy period of partizan politics, when Freneau played a conspicuous part, winning the honor of arousing Washington's wrath and being called by the staid Father of his Country "that rascal Freneau." The reader will be surprised to find how much the poems of this obscure writer have been praised, and also how much he wrote. The editor seems to have shown energy and assiduity in collecting his material from many sources and to have annotated the writings with judgment. In this connection it may be noted that Messrs. Dodd, Mead, and Company have just brought out the long-promised *Bibliography of the Separate and Collected Works of Philip Freneau, together with an Account of his Newspapers*, by Victor H. Paltsits, of the Lenox Library.

We have received the *Review of Historical Publications relating to Canada for the year 1902*, the seventh successive volume edited as heretofore by Professor Wrong and Mr. Langton of the University of Toronto. It is a stout volume of 233 pages, and the book-notices seem to be of the vigorous quality noticeable in preceding issues. There are over 200 books and articles noticed; some of them, however, belong rather in the field of geography or of geology than that of history.

The Ontario Historical Society have just published an edition of Galinée Narratives, comprising the text and an English translation by James Coyne, president of the society. It contains an interesting prefatory note, and an unpublished map of Upper Canada in the seventeenth century.

Mr. F. Bradshaw's *Self-Government in Canada and How it was Achieved* passes as one of the best books published on the history of Canada in late years. Incidentally it gives a complete account of the Durham mission to Canada in 1838 (London, P. S. King).

The fifth volume of the *Publications of the Colonial Society of Massachusetts* is given up to transactions of the society. It is a continuation of a similar record in Volume III. The fourth volume is to be a volume of collections and to contain longer papers. We find here a number of communications of importance: Franklin's letter on the Boston Tea Party; the commission of George I. to the Bishop of London, 1726-1727; a paper by John Noble on the "Records and Files of the Superior Court of Judicature and of the Supreme Judicial Court"; and other papers and original documents. The volume covers the transactions of the latter part of 1897 and of the whole of 1898.

The W. B. Clarke Company, of Boston, have lately published, under the editorship of Anne Rowe Cunningham, *Letters and Diary of John Rowe, Boston Merchant*, covering the years 1759 to 1779, except 1763, with extracts from a paper written for the Massachusetts Historical Society by E. L. Pierce. Of interest for other aspects of New England, and at a little later period, will be *Life in a New England Town, 1787, 1788*, being the diary of John Quincy Adams while a student in the office of Theophilus Parsons at Newburyport; edited by Charles Francis Adams (Boston, Little, Brown, and Company).

The state of New York has published in four volumes, the last being devoted to an alphabetical index, *Military Minutes of the Council of Appointment of the State of New York, 1783-1821*, compiled and edited by Hugh Hastings, state historian. The lists are intended to include all appointments made by the council beginning with the last one mentioned in *New York in the Revolution*, and ending with the adoption of the new constitution in 1821. The first volume contains a sketch of the government of New York during colonial times. It is not quite plain why the title-page should read "1783-1821" and the cover "1784-1821," though the latter would seem to be correct.

The leading article in the January number of the *Pennsylvania Magazine of History and Biography* is a translation, by J. G. Rosengarten, of some observations on North America and the British colonies gathered from conversations with Franklin by a Professor Achenwall, of the University of Göttingen, which Franklin visited in the summer of 1766: "Achenwall's Observations on North America, 1767." Other features of this number are: "The Journal of Isaac Norris, during a trip to Albany in 1745, and an Account of a Treaty held there in October of that Year"; the conclusion of "The Society of the Sons of Saint Tammany of Philadelphia," by Francis Von A. Cabeen; "Excerpts from the Day-Books of David Evans, Cabinet-Maker, Philadelphia, 1774-1811"; and "How President Jefferson was Informed of Burr's Conspiracy," by James Morris Morgan.

In the December *Records* of the American Catholic Historical Society of Philadelphia may be noted especially, aside from continuations, a first series of "Selections from the Correspondence of the Late Mark Anthony Frenaye," from 1834 to 1856, and "Extracts from a Diary Kept during the Yellow Fever Plague in Philadelphia, Pa., in 1798."

In the sixth volume of the *Proceedings and Collections of the Wyoming Historical and Geological Society* appear, among other articles, "Chevalier de la Luzerne," by Edmund L. Dana, with a number of letters of Luzerne copied from the French archives; "Colonel Isaac Barré," by S. R. Miner; and other papers and original documents chiefly of local interest.

Under the title *Glimpses of Colonial Society and the Life at Princeton College, 1766-1773, by One of the Class of 1763*, Mr. W. Jay Mills has brought together a series of letters, most of them written by William Paterson. They deal chiefly with personal affairs (Lippincott, 1903, pp. 182).

Princeton University has published *Academic Honors in Princeton University, 1748-1902*. The material is compiled and edited by John Rogers Williams.

The most important matter in the March number of the *Publications of the Southern History Association* consists of documents, continued from preceding numbers. The most noteworthy perhaps are Redd's "General Joseph Martin," and the documents illustrating the development of the Texas revolutionary sentiment.

The *South-Atlantic Quarterly* for April contains, of special interest, "The Industrial Decay of the Southern Planter" — a diagnosis of conditions before the war —, and "The Peace Movement in Alabama during the Civil War. I. Party Politics, 1861-1864," by W. L. Fleming.

The *John P. Branch Papers of Randolph-Macon College* now take final form — "an annual publication of short biographical sketches of men who have had great influence in shaping Virginia's history." The work is almost entirely that of college students, done under the direction of Professor William E. Dodd, but the current number (No. III.) contains a "Life-sketch of Captain Richard Kirby," by Bishop J. C. Granbury. In other articles, "Thomas Ritchie," over forty years editor of the *Richmond Enquirer*, is treated by C. T. Thrift; "Abel Parker Upshur," at first secretary of the navy and then head of the state department under Tyler, by R. E. McCabe; and "John Lewis, Founder of Augusta County," by G. H. Fielding. There is also an instalment of "The Leven Powell Correspondence," including a group of letters on Jefferson's election and a half-dozen Monroe letters concerning the French spoliation claims.

The matter of most general interest in the January and March numbers of the *Gulf States Historical Magazine* is probably that concerning W. L. Yancey: "Yancey: A Study," by John W. DuBose. Among other articles we note especially: "Executive and Congressional Directory of

the Confederate States of America" (January number); "Col. Charles C. Jones, Jr.," by Charles E. Jones (March); and "The Bonapartists in Alabama," by Anne Bozeman Lyon (March). There are also various interesting documents in both numbers.

Among recent evidences of interest in historical studies in the south are the appointment of a commissioner of records in Georgia — "for republishing earlier Georgia Reports, where copyrights on same have expired and for compiling and publishing . . . the Colonial, Revolutionary and Confederate records of Georgia" — and the organization of the Florida Historical Society, at Jacksonville, last November.

The most notable contents of the *American Historical Magazine* for April are "A Rebel Newspaper's War Story," an interesting narrative of the war history of the *Memphis Appeal*, by R. A. Halley, and "Military Government in Alabama, 1865-1866," by Walter L. Fleming. Among other matter in this number are "A Dictionary of Distinguished Tennesseans," by A. V. Goodpasture, and a "Sketch of Captain David Campbell," by Margaret Campbell Pilcher.

Publications of the Mississippi Historical Society, Vol. VI., has an abundance of valuable articles that have more than local interest and significance. Possibly special attention should be directed to the "First Annual Report of the Director of Archives and History," which gives an encouraging account of the work that is being done for the preservation and arrangement of historical material; also to Professor T. H. Lewis's paper on the "Route of De Soto's Expedition from Taliepacana to Huhasene;" to Mr. Frank Johnston's "Suffrage and Reconstruction in Mississippi;" and to "Origin of the Pacific Railroads, and Especially of the Southern Pacific," by Mr. Edward Mayes.

The latest number in the "American Explorers" series concerns particularly the life and adventures of Joseph La Barge, pioneer, navigator, and Indian trader: *History of Early Steamboat Navigation on the Missouri River*, two volumes, by H. M. Chittenden (New York, F. P. Harper).

In the *Iowa Journal of History and Politics* for April, Professor Benjamin F. Shambaugh gives "A Brief History of the State Historical Society of Iowa"; President E. J. James makes an appeal for the study of state history: "State History in the Public High Schools"; and Joseph W. Rich deals with "The Hampton Roads Conference."

A considerable part of the April number of the *Annals of Iowa* is devoted to "An Iowa Fugitive Slave Case — 1850," reported by George Frazee. Among the other contents may be noted "Coming into Iowa in 1837" — a report of the experience of the Duffield family, by George C. Duffield — and "Transfusion of Political Ideas and Institutions in Iowa," by F. I. Herriott.

We note in the April *Quarterly* of the Texas State Historical Association: "The Disturbances at Anahuac in 1832," by Edna Rowe; "The Alamo Monument," by C. W. Raines; and a second instalment of "Reminiscences of Early Texans," by J. H. Kuykendall.

A movement is on foot to reorganize the California Historical Society, which published during its active existence from 1886 to 1895 considerable valuable material. In connection with this project goes a proposal to organize a Pacific coast branch of the American Historical Association, about seventy of whose members reside on the Pacific coast.

A biography of Admiral Sloat, who at Monterey in 1846 raised the American flag and took possession of California, has been written by Major Edwin A. Sherman, secretary of the Sloat Monument Association of California; *Life of the Late Rear-Admiral John Drake Sloat, U. S. N.* (sold by the author, 1364 Franklin Street, Oakland, California).

The *Quarterly of the Oregon Historical Society* for December has several interesting articles: "The Oregon Central Railroad"—concerning the beginning of Oregon railroad development—by Joseph Gaston; "History of the Press of Oregon, 1839-1850," by George H. Himes; and "The Archives of Oregon," in which, evidently, Professor F. H. Young gives the matter in regard to Oregon that will ultimately appear in a report of the Public Archives Commission. There are also documents, notably "Letters of Peter H. Burnett," relative to the emigrating expedition of 1843. The Oregon Historical Society, by the way, is particularly desirous of collecting historical material; and any one knowing of the whereabouts of any book, document, pamphlet, letter, diary, paper, weapon, or utensil of any kind that has had any relation to the early settlement of the original Oregon territory will confer a favor by notifying the assistant secretary, George H. Himes, Portland. The work of the society along this line should be of special interest in view of the approaching exposition (at Portland, in 1905) in celebration of the hundredth anniversary of the Lewis and Clark exploration of the Oregon country.

Noteworthy articles in periodicals: F. J. Turner, *The Significance of the Louisiana Purchase* (Review of Reviews, May); C. Becker, *Elections in New York in 1774* (Political Science Quarterly, March); General John B. Gordon, *Antietam and Chancellorsville and Gettysburg* (Scribner's Magazine, June and July); Lucy M. Salmon, *How Should the Entrance Examination Paper in History be Constructed?* (Educational Review, June).

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THE principles which guided the conception of this work were laid down, and the scheme of it was drawn up, by the late Lord Acton, Regius Professor of Modern History in the University. On his retiring from the editorship when no longer able to contend against illness, the task of giving effect to the scheme was undertaken by Dr. A. W. Ward, Master of Peterhouse, and formerly Professor of History in the Owens College, Victoria University, Manchester, Dr. G. W. Prothero, formerly Professor of History in the University of Edinburgh, and Mr. Stanley Leathes, Fellow and Lecturer in History in Trinity College. In the Preface to Vol. I., the Editors have briefly stated the principles which they believe Lord Acton to have followed, and to which it is their intention to adhere.

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